



City of Duncanville

Employee Handbook & Manual of Policies

**Revised and Amended
October 1, 2020**



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WELCOME TO THE CITY OF DUNCANVILLE

Dear Fellow Employee:

You belong to an organization that is dedicated to the highest ideals of public service – that our commitment and service to the citizens of Duncanville can make this community a safe and enjoyable place that people want to live, work and play! Public service is a noble profession, especially at the local government level. No other level of government has such a profound impact on the everyday quality of life of its citizens as we do. Whether it is public safety, streets, water and wastewater services, parks and playgrounds, or business development assistance – it is the municipal employees like you who make these things possible. Every person’s job is important, not only to your own success, but also to the success of every other employee at the City of Duncanville, and more importantly – to the success of a strong and vibrant community!

The organization has adopted six values that should guide us in everything we do. We use the acronym HABITS – (H) Honesty; (A) Accountability; (B) Be Fair / Fairness; (I) Integrity; (T) Transparency; and (S) Service Above Self. No matter what your level in the organization, you make decisions every day on how you carry out your work. Many times, you may be the “face” of the City to a citizen when you interact with them through the course of your job. Their impression of the City of Duncanville (and city government) – whether good or bad – may rest entirely on that interaction with you. These six values should guide you in your decisions and conduct.

We could not function as an organization if not for our employees and we are glad you are a part of this organization. We want your experience in the City of Duncanville to be positive and professionally rewarding. These Personnel Policies help ensure we are fair and consistent to all employees, and helps to assure you of a healthy work environment. Thanks for being part of our team!

Robert Brown, Interim City Manager

EMPLOYEE HANDBOOK – MANUAL OF POLICIES

INTRODUCTION

The purpose of the City's Employee Handbook is to acquaint you with the City of Duncanville and provide information about working conditions, employee benefits, and policies affecting employment. These policies apply to all employees of the City unless specified otherwise. It is your responsibility to review the manual and comply with the policies as well as all other rules, guidelines and regulations implemented in accordance with these policies.

The Employee Handbook is prepared for informational purposes only and shall not be construed to be an employment contract or as creating any promise of continued employment with the City of Duncanville. Employment with the City is at-will. This means that the employee or the City may end the employment relationship at any time for any reason or no reason. The City Manager may remove with or without cause any employee of the City who is not appointed by the City Council, except as outlined in the applicable provisions of Local Government Code §143 Civil Service law, for sworn police officers and firefighters or City Charter.

Statements of specific grounds for termination set forth in this manual or in any other City documents are examples only, not all-inclusive lists, and are not intended to restrict the City's right to terminate at will.

Completion of an introductory or probationary period does not change an employee's status as an employee-at-will or any way restrict the City's right to terminate such an employee or change the terms or conditions of employment.

It is important to understand that no employee manual can anticipate every circumstance or question. Due to changes in state and federal employment laws, portions of these policies may be superseded. It is the intent of the City to monitor and follow any such legislation. The City reserves the right to revise, supplement, or rescind any policy or portion of the Employee Policy Manual

from time to time as it deems appropriate, at its sole and absolute discretion. When there are revisions, supplements or other changes to the manual, managers, supervisors and employees will be notified.

Should you have any questions as to the interpretation or understanding of any policy, procedure or practice, please visit the Human Resources Department. The Human Resources Department administers the City's personnel functions and employment policies in accordance with applicable federal and state law. As a matter of policy, all personnel records and policy administration shall be the responsibility of the Human Resources Department. All references to Duncanville Employee Manual policy shall mean the most recent revision.

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The City desires to provide an initial overview to some of its rights or prerogative, which include but are not limited to the following:

- Hiring, directing, assigning, discharging, disciplining, and recalling employees.
- Establishing wages, hours, and working conditions, and assigning work.
- Determining the quantity and quality of work to be performed.
- Management and control of premises and equipment.

Individual Department Rules and Policies:

Each individual department may have departmental policies and procedures which are in addition to the policies and procedures listed in this manual, and are to be followed by department employees. All departmental policies and procedures must have the approval of the City Manager or designee. Department policies or procedure should not be inconsistent with this Employee Policy Manual. However, with the City Manager's approval, department policies or procedures may go above and beyond and supplement the policies or procedures written within the Employee Policy Manual, or other City policy manuals, as necessary for the operations of the department.

With the exception of matters of appointment and other personnel actions reserved to City Council by statute, charter, or ordinance, the final authority on personnel decisions is reserved for the City Manager or designee. Although major areas of policy are defined in this manual, there may be situations which are not specifically cited. In these instances, the City Manager retains the right to establish policy.

APPLICATION OF POLICIES

The Employee Handbook policies shall apply to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies, both on and off duty where applicable, unless otherwise restricted by proper authority, or prohibited by State and/or Federal law.

The City reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of the policies and procedures contained herein.

General and final authority for personnel and policy administration rests with the City Manager, with the exception of matters reserved to the City Council as defined in the City Charter.

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ORGANIZATION DESCRIPTION & HISTORY

City Council Mission Statement: Build a vibrant, inclusive community driven by a commitment to democratic principles and service above self.

Organizational Mission Statement: Build a vibrant, inclusive organization driven by a commitment to value-added customer service.

Adopted Values:

In addition to the Mission Statement, a set of values that act as the ‘lenses’ through which any and all organizational actions must be viewed and carried out. These values are:

Honesty, Integrity, Fairness, Transparency, Accountability, Service Above Self

An easy way to remember our values is to think of **HABITS**.

Honesty, **A**ccountability, **B**e Fair (Fairness), **I**ntegrity, **T**ransparency, **S**ervice Above Self.

As an organization we believe in reinforcing the idea of empowering employees to positive decision making through positive “habits”. See *Policy 5.01 Code of Conduct*.

City Buildings

- City Hall, 203 E. Wheatland Road (West Side)
- Duncanville Fieldhouse, 1700 South Main Street
- Duncanville Library & Recreation Center, 201 James Collins Blvd
- Fire Administration & Station 2, 1530 S. Main Street
- Fire Station 1, 323 West Camp Wisdom
- Municipal Service Center, 330 Shady Trail
- Police Station, 203 E. Wheatland Road (East Side)
- Senior Center, 206 James Collins Blvd

History of the City

The origin of Duncanville can be traced as far back as 1840, with the community's beginning as a small settlement. It was not until some forty years later, with the construction of the Chicago, Texas and Mexican Central Railroad connecting Dallas and Cleburne, that Duncanville began to emerge as a town. The coming of the railroad to Duncanville changed the community. The railroad line connecting Dallas to Cleburne was to be completed no later than April 15, 1881. With time

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running short, a quicker method of railroad construction was adopted in an open field owned by James R. Horne and G.H. Finley. This method allowed the railroad to arrive in Cleburne two hours ahead of the deadline. A switching station was later built in the open field. It was called Duncan Switch.

In 1881, Charles Nance arrived by train at Duncan Switch to visit his sister, Mrs. William Horne. Finding the area much to his liking and envisioning a bright future for this part of Dallas County, Mr. Nance made the decision to stay. He formed a partnership with Chris Horne, purchased a lot from G.H. Finley for fifty dollars, and built Duncan Switch's first building, Nance Brothers.

In August of 1881, Nance forwarded a petition to establish a post office to the Post Office Department in Washington, D.C. At that time, residents were receiving their mail at post offices in Cedar Hill, Wheatland, or Jim Town. Nance's application was returned with a notation to choose a different name, because there was already a post office in Jasper County, Texas with the name of Duncan. There had been individuals in the community who had refused to sign Nance's original petition and many others who were hard to convince, so he simply added "ville" to Duncan, so it now read Duncanville. The petition was returned to Washington, and in early October 1881 Nance received the order to open the new post office under the name Duncanville.

In 1962 the citizens of Duncanville adopted a Home Rule Charter embracing the Council-Manager form of government. This created the governmental organization known as the City of Duncanville. When compared to most private sector business organizations, the following parallel can be seen; the citizens are the stockholders, the City Council is the Board of Directors, and the City Manager is the Chief Executive Officer.

The Council-Manager form of government offers several advantages.

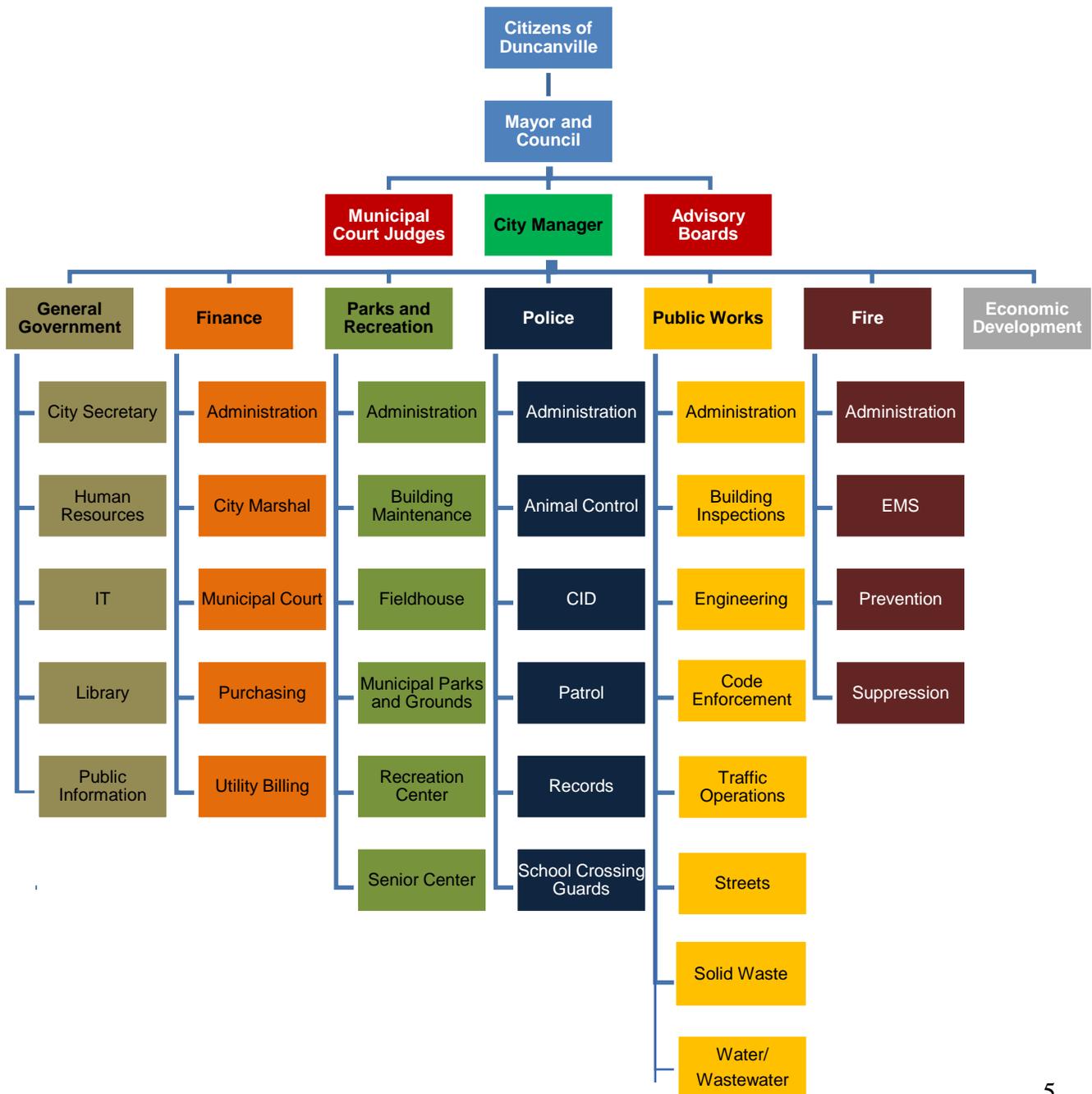
1. It places the responsibility of the administration of City government with the City Manager. This frees the Mayor and Council from making detailed everyday decisions, giving them the opportunity to concentrate on major policy decisions.
2. The City Council is directly responsible to the citizens, and the City Manager is directly responsible to the Council.
3. The Council appoints the City Manager, and may remove him/her at any time that he/she does not perform to the satisfaction of the Council.
4. The Council members are elected by the citizens, and are directly responsible to them
5. The City Manager appoints Directors to administer the operations of the various departments. Each department has one Director.
6. Activity Managers are appointed to be directly responsible for activity operations.

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ORGANIZATIONAL STRUCTURE

Duncanville uses a Council-Manager form of government. The City Council is comprised of an elected Mayor and six elected Council Members. The City Manager is appointed by the City Council and serves as the City's chief executive officer and policy advisor to the Council. The chart below illustrates the organizational structure of the City and its departments.



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POLICY TITLE: EMPLOYMENT STANDARDS INTRODUCTION

DEPARTMENT: Human Resources

Policy Chapter: Employment Standards

Section Number: HR 1.00

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this chapter is to define the standard for City of Duncanville employment practices. The City's policies and procedures defined herein are to establish fair and equitable guidelines for all applicants and employees. These standards are intended to bring to the City a high degree of understanding, cooperation, efficiency, and unity through systematic, uniform application of modern personnel practices.

The policies and procedures apply to all City employees and are designed to do the following:

- A. Promote productivity, responsiveness to the public, and economy in City service.
- B. Provide fair and equal opportunity for qualified persons to enter and progress in City service in a manner based on performance, as ascertained through fair and practical personnel management methods.
- C. Promote high morale among City employees by fostering good working relationships through uniform personnel policies, opportunities for advancement, and consideration of employee needs and desires.
- D. Assist Department Directors and other supervisors in dealing with employment related daily issues as they arise.
- E. Enhance the attractiveness of a career with the City.
- F. Provide each employee with a safe work environment.
- G. Provide clear and consistent guidelines to which all employees will be held accountable, ensuring a professional and fair workplace.

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POLICY TITLE: AT WILL EMPLOYMENT

DEPARTMENT: Human Resources

Policy Chapter: Employment Standards

Section Number: HR 1.01

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

POLICY:

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. This means that both the employee and the City have the right to terminate employment at any time, with or without notice, and with or without cause. Although adherence to these policies is considered a condition of continued employment, nothing in these policies is intended to alter the continuing at-will status of employment with the City and does not constitute a contractual relationship. This Employee Handbook shall not constitute nor be deemed a contract or promise of employment.

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POLICY TITLE: EQUAL EMPLOYMENT OPPORTUNITY

DEPARTMENT: Human Resources

Policy Chapter: Employment Standards

Section Number: HR 1.02

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

POLICY:

To help ensure that equal employment and advancement opportunities are available to all individuals, employment decisions at the City will be based upon merit, qualification, and abilities. The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, training, awards, compensation and benefits, disciplinary measures, or any other aspect of employment because of age, race, color, religion, sex (including gender identity and sexual orientation), national origin, disability (including pregnancy), genetics, equal pay, veteran's status, or other unlawful basis, is prohibited.

In accordance with the Americans with Disabilities Act (ADA), the City will make reasonable accommodations for qualified individuals with known disabilities, except where specific requirements are a bona fide occupational qualification necessary to the proper and efficient operation of the City.

In compliance with Genetic Information Nondiscrimination Act (GINA), the City prohibits discrimination and retaliation in employment opportunities or practices based on genetic information.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring those issues to the attention of their immediate supervisor, Department Director, or the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal or retaliation. Anyone found to be engaging in discrimination or retaliation will be subject to disciplinary action up to and including termination.

The City will not tolerate derogatory remarks or actions by employees regarding race, color, religion, gender, national origin, ethnic affiliation, age, disability, veteran status, or any other characteristic protected by law.

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POLICY TITLE: AMERICANS WITH DISABILITIES (ADA)

DEPARTMENT: Human Resources

Policy Chapter: Employment Standards

Section Number: HR 1.03

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 01-22-2020; 10-01-2020

PURPOSE:

The City of Duncanville prohibits discrimination against qualified individuals with disabilities relating to the application, interviewing, hiring, promotion, discharge, compensation, training, or other terms, conditions, and privileges of employment.

POLICY:

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act as Amended (ADAAA) requires employers to reasonably accommodate qualified individuals with disabilities. However, the employer is *not* required to lower quality or quantity standards to make an accommodation. In addition, the employer is *not* required to provide personal use items such as glasses, contact lens, wheelchairs or hearing aids as an accommodation. The City of Duncanville will comply with all Federal, state, and local laws relating to the employment of applicants and employees with disabilities and reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of the job in question.

An individual, who can be reasonably accommodated for the job in question, without undue hardship, will be given the same consideration for that position as any other applicant or employee. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. All employees are required to comply with safety standards. Any employee that poses a direct threat to the health of safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

A. Definitions

In implementing this policy, the City of Duncanville will be guided by the most recent applicable definitions stated in the ADA or in case law construing the ADA, and applicable state and local law. In the event of any conflict between the definitions in the ADA and/or ADAAA and the definitions in this policy, the legal definitions will be prevailing.

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The following discussion is provided for general guidance of applicants and employees in understanding the policy of the City of Duncanville.

1. **“Disability”** refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment is also deemed a “disabled individual”. An individual may also be deemed “disabled” if that person is *regarded as* having such impairment. However, in the “regarded as” instance, the situation is more complicated. Under amendments to the ADA in 2008, if the condition is transitory and minor, defined as having an actual or expected duration of 6 months or less, then the condition does not qualify as a disability.
2. Generally, ameliorative measures such as medications and medical devices *will not* be considered in making a disability determination, although ordinary eyeglasses or contacts *may* be taken into consideration. So, for example, the mere fact that a person wears ordinary eyeglasses will not qualify that person as “disabled.” On the other hand, the fact that a person has a hearing aid or takes medications to address the impairment will not disqualify that person as being “disabled” if the person otherwise meets the definition of “disabled.”
3. **“Major life activity”** may include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A “major life activity” may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive systems.
4. **“Direct threat to safety”** refers to a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.
5. A **“qualified individual with a disability”** refers to an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.
6. **“Reasonable accommodation”** refers to making existing facilities readily accessible to and usable by individuals with disabilities, including but not limited to; job restructuring, part time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

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7. “**Undue hardship**” refers to an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the City; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire City; and (8) the relationship of the particular facility to the City. These are not all of the factors but merely examples.
8. “**Essential job functions**” refers to those activities of a job that are the core to performing the job in question and must be performed with or without an accommodation.

B. Administrative Procedures ~ How to request an accommodation

An applicant and/or employee is fully responsible for providing the request for accommodation when needed. Any request for accommodation must be reasonable, does not cause an undue hardship, a threat to safety and will enable the applicant or employee to perform the essential functions of the position. Each request will be evaluated on the aforementioned criteria. All requests are confidential. The review and coordination of any request for accommodation for a disability will be limited to those who have a right to know.

The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

The Human Resources Director is designated as the ADA Coordinator responsible for the receipt, review and response of requests for accommodation from the applicant or employee. Additionally, the Human Resources Director or designee is also responsible for informing the Department Director of the request and conducting the review with the appropriate staff, department and/or agency.

The applicant or employee will be provided the status of the request within five (5) working days. Extensions may be required contingent upon the complexity of the request. A need for extension will be provided in writing by the ADA Coordinator to the applicant or employee.

Should the applicant or employee disagree with the findings of the ADA Coordinator, the applicant or employee may appeal the decision of the ADA Coordinator within five (5) working days to the City Manager or designee. The request for appeal must be provided in writing. The decision of the City Manager or designee will be final.

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POLICY TITLE: NEPOTISM aka Hiring of Relatives	
DEPARTMENT: Human Resources	
Policy Chapter: Employment Standards	Section Number: HR 1.04
Approved Date: 12-28-2016	Approved By: 
Effective Date: 01-01-2017	
Revision Date: 01-22-2020; 10-01-2020	

POLICY:

The purpose of this policy is to clearly define the hiring, transfer and promotion standards when any relationship through blood, marriage, adoption, or cohabitation presents a conflict of interest or work-related decisions.

The employment of individuals related through blood, marriage, adoption, or cohabitation within the City may cause serious conflicts and problems within a division or department, such as disruption of the work environment and favoritism, and could negatively impact morale. This policy applies to all employees: full-time, part-time, and seasonal. The City reserves the right to take prompt and appropriate action to eliminate the conflict or potential conflict, including termination.

Definitions:

Within is defined as up to the degree as specified in the criteria below. See the chart at the end of this section for visual detail.

1. No applicant shall be eligible for any type of employment with the City if related to any member of the Human Resources Department.
2. No applicant shall be eligible for Full-Time employment with the City if related within the second degree by marriage or within the third degree by blood to the Mayor, any Council member, or the City Manager.

In accordance with Chapter 573 of the Local Government Code, an exception will be made if that person held his/her position for at least 6 months prior to the election if related to the Mayor or a Council member, or for at least 30 days prior to the appointment if related to the City Manager.

3. No applicant or current Full-Time employee related within the third degree by blood or within the second degree by marriage to any other Full-Time City employee may work in the same division as that employee or within the department where there is a close working relationship that could potentially impact the health, safety, or welfare of an employee, or the efficient operation of the City.

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4. No applicant shall be eligible for Part-Time or seasonal employment with the City if there is a relation to their direct supervisor within the second degree of marriage or within the third degree of blood.
5. If the marriage or cohabitation of an employee creates a case of nepotism as stated above, the matter must be resolved by transfer or termination within a reasonable time, not to exceed six (6) months. The employees involved will be allowed to make the decision as to which employee will seek a transfer or be terminated.

In addition to this explicit policy, the City Manager reserves the right to apply the nepotism prohibition on a case by case basis where failure to do so would be detrimental to the City.

DISCLOSURE

All applicants for employment at the time of hire must disclose any relationship with elected City officials or any individual working for the city. Non-disclosure shall be considered misconduct and may result in disciplinary action up to and including termination.

NEPOTISM CHART

BLOOD (including adoption)

First Degree	Second Degree	Third Degree
Mother	Grandmother	Uncle
Father	Grandfather	Aunt
Daughter	Brother	Niece
Son	Sister	Nephew
	Grandchild	Great-grandchild
		Great-grandparent

MARRIAGE

First Degree	Second Degree
Spouse	Sister-in-law
Spouse's Son	Brother-in-law
Spouse's Daughter	Spouse's Grandchildren
Mother-in-law	Spouse's Grandparents
Father-in-law	
Son-in-law	
Daughter-in-law	

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POLICY TITLE: OUTSIDE EMPLOYMENT

DEPARTMENT: Human Resources

Policy Chapter: Employment Standards

Section Number: HR 1.05

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

POLICY

The purpose of this policy is to outline the conditions of city employment before accepting another job or business opportunity outside their employment with the City. This policy applies to Full Time employees.

The position an employee has with the City of Duncanville shall take precedence over any other occupational involvement of the employee. The acceptance of another job or business opportunity, such as contracting or self-employment, while in the employment of the City is permissible as long as the following considerations are met:

1. The employee must provide notice of the outside employment opportunity in writing to the Department Director. It will be the responsibility of the Director to determine whether or not outside employment will interfere with attendance or in any way diminish the capacity, duties, and/or expectations of the City position. Once the Department Director approves the request for outside employment, the notice shall be forwarded to Human Resources for inclusion in the employee's personnel file.
2. If outside employment has an adverse interest against the city, which would require the employee to take an adverse action or position relative to city employment, or it adversely affects the employee's attendance or performance of duties for the City, outside employment must be terminated. Approval of outside employment may be withdrawn at any time.
3. Outside employment must be suspended if the employee is on restricted duty, workers' compensation leave, sick leave, or FMLA approved leave. Sick leave may not be used to permit outside employment.

Part-Time and Seasonal employees should consult with their direct supervisor if considering additional employment to ensure scheduling and operations will not be disrupted.

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POLICY TITLE: IMMIGRATION LAW COMPLIANCE	
DEPARTMENT: Human Resources	
Policy Chapter: Employment Standards	Section Number: HR 1.06
Approved Date: 12-28-2016	Approved By: 
Effective Date: 01-01-2017	
Revision Date: 10-01-2020	

POLICY

The City of Duncanville is committed to employing only United States citizens and individuals who are authorized to work in the United States, and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City of Duncanville within the past three years, or if their previous I-9 is no longer retained or valid.

The City of Duncanville uses E-Verify for authorization of employment in the United States. Required documentation must be received by Human Resources within 3 days of beginning employment.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

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POLICY TITLE: RECRUITMENT AND SELECTION

DEPARTMENT: Human Resources

Policy Chapter: Employment Status & Records

Section Number: HR 2.01

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 01-22-2020; 10-01-2020

PURPOSE:

To define the procedure for recruitment and selection.

POLICY:

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, genetics, veteran's status, or any other characteristic protected by law. The procedures listed below are applicable to general Part-Time and Full-Time employees. For Police Officer and Firefighter positions see department specific guidelines.

PROCEDURES

A. Recruitment

The recruitment process is initiated by a Department Director or activity manager submitting a Requisition to fill a vacancy of a budgeted position to Human Resources. Job vacancies will normally be posted externally, however at the discretion of the department, vacancies may be posted for internal applicants only.

The recruitment method for a vacant director level position may be determined by the City Manager on a case by case basis.

B. Job Postings

Jobs will be posted on the official city website and TML Career Center. Human Resources will make every effort to post in other online locations, such as association websites, depending on relevancy, budget availability, and need.

In general job postings will remain open until filled.

C. Applications

Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit a city application online for the desired position. For internal

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applications, employee must complete the online application made available by Human Resources. Human Resources will make an announcement city-wide, including a link, for internal applicants to complete the application via the Employee Self Service portal of the Human Resources system.

All information set forth on an application is subject to verification. Applications for employment will be considered and reviewed by the hiring manager.

D. Hiring Process

Applicants for employment shall be given a conditional offer of employment which specifies they are required to submit to an oral interview, an extensive background, employment, reference check and post offer drug and alcohol screening; and if necessary, as required by the position, a physical examination.

HIRING MANAGERS

The hiring manager shall be responsible for the review of all applications and ensure any applicant moving forward in the process meets the posted minimum requirements. The hiring manager also makes selections for interview and determines the candidate to be selected for hire. Hiring managers can use a variety of interview styles such as peer to peer interviews, interview panel, one on one interview, etc. Skills testing, presentations, realistic job previews can also be given depending on the position. Hiring managers will need to work with Human Resources to determine the appropriate process.

HUMAN RESOURCES

Human Resources shall be responsible for extending a conditional offer letter, conducting all reference checks, employment verifications, background screenings, education verification, and drug tests.

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POLICY TITLE: CRIMINAL HISTORY - BACKGROUND CHECKS

DEPARTMENT: Human Resources

Policy Chapter: Employment Status & Records

Section Number: HR 2.02

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to define the procedure for conducting criminal background checks.

POLICY

All offers of employment at the City of Duncanville are contingent upon clear results of a thorough background check. Background checks will be conducted on all applicants extended an offer of employment and on all employees who are promoted, as deemed necessary.

Background checks will include:

- Social Security - validates the applicant's social security number, date of birth and former addresses.
- Prior Employment - Verification confirms applicant's employment with the provided companies, including dates of employment, position held and additional information available pertaining to salary/wages, performance rating, reason for departure and eligibility for rehire. This will be run on past three employers or ten years, whichever comes first.
- Multi-County Criminal - checks county records based on address history. This will include counties of past residence for a period of up to five years.
- State Criminal History - checks criminal records reported to the State.
- Federal Criminal History - checks district courts for any crimes committed in violation of federal law in district of current residence.
- Personal and Professional References: Calls will be placed to individuals listed as references by an applicant.
- Educational Verification - confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received.
- Open Records Requests – when a candidate works for or has worked for municipalities within the State of Texas, Human Resources will submit an Open Records request to the municipalities requesting for information from their personnel file (e.g., commendations, disciplinary actions, etc.). The receipt of information could take up to 10 business days per Open Records laws.

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The following additional searches will be required if applicable to the position:

- Motor Vehicle provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the position.
- Credit History confirms candidate's credit history. This search will be run for positions that involve management of City funds and/or handling of cash.

PROCEDURE

After a written employment offer is made, the chosen candidate must complete the Pre-Employment Certification/Release form and return it to the Human Resources Department. Human Resources will notify the hiring manager upon receipt of the signed release. The chosen candidate is not to begin work prior to the hiring manager receiving approval from Human Resources.

Human Resources will order the background check upon receipt of the signed release form, and an employment screening service will conduct the check. A designated Human Resources representative will review all results.

Human Resources will notify the hiring manager regarding the results of the check. In instances where negative or incomplete information is obtained, the appropriate management and the Human Resources Manager will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. If a decision not to hire or promote a candidate is made based on the results of a background check, there may be certain additional Fair Credit Reporting Act (FCRA) requirements. Human Resources will be responsible for handling such FCRA requirements as necessary. The City of Duncanville will follow all applicable FCRA requirements throughout the background check process. Any questions regarding FCRA must be directed to the Human Resources Manager.

Background check information will be maintained in a file separate from employees' personnel files.

USE OF CRIMINAL HISTORY

The City of Duncanville requires a criminal history check as a part of the background check for all full-time, part-time and temporary employees upon hire once a conditional offer of employment has been extended by the hiring manager. Although a disqualification is possible, in accordance with federal and state laws, a previous conviction does not automatically disqualify an applicant from consideration for employment with the City of Duncanville. Depending on a variety of factors (for example, the nature of the position, the nature of the conviction, age of the candidate when the illegal activity occurred), the candidate may still be eligible for employment with the City of Duncanville.

If an applicant attempts to withhold information or falsify information pertaining to previous convictions, the employee will be disqualified from further employment consideration in any position with the City due to falsification of an application. An offer of employment may be

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extended to an applicant prior to the completion of the criminal conviction check. However, the applicant's first day of work in the position must not be prior to the satisfactory completion of the criminal conviction check.

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POLICY TITLE: JOB CLASSIFICATIONS

DEPARTMENT: Human Resources

Policy Chapter: Employment Status & Records

Section Number: HR 2.03

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE

To define the classifications of positions in the City of Duncanville.

POLICY

It is the intent of the City of Duncanville to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and City of Duncanville.

Each position is designated as either NON-EXEMPT or EXEMPT from federal wage and hour laws (FLSA). Classification changes may only be made upon written notification by the Human Resources Manager.

NON-EXEMPT employees are considered hourly and entitled to overtime pay per FLSA (Fair Labor Standards Act).

EXEMPT employees are excluded from the overtime pay requirement per FLSA. The positions that fall under this category are validated with a series of tests to ensure qualification under the FLSA overtime exemption.

In addition to the above categories, each employee will belong to one other employment category:

FULL-TIME employees are those who are not in a temporary status and who are regularly scheduled to work a full-time schedule. Full-Time, for the purpose of benefits eligibility, are thirty (30) or more hours worked in a week on a regular, ongoing basis.

PART-TIME employees are those who are not assigned to a temporary status and who are regularly scheduled to work less than 30 hours per week. While they do receive all legally mandated benefits (such as PARS, in lieu of Social Security, and workers' compensation insurance), they are ineligible for all of the City of Duncanville's benefit programs.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated

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period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of the City of Duncanville's other benefit programs.

SEASONAL employees are those who are not assigned to a temporary status and who are regularly scheduled to work during a season. For example, Seasonal Park Maintenance works 40 hours a week during the months of February until November. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the City of Duncanville's other benefit programs.

FLSA CYCLES for Non-Exempt Employees

All regular employees have a 7-day FLSA cycle. This means the employee is eligible for overtime (at time and half) pay if actual worked hours exceed 40 hours in a 7-day period. (Sunday – Saturday) * Please see *Policy 3.02 Overtime* for requirements

Shift positions including Police Patrol and Public Service Officers have a 14-day FLSA cycle. This means employees who work over 80 hours in a 14-day period are eligible for overtime (at time and half) pay.

Fire personnel on 24-hour shifts are on a 28-day FLSA cycle. This means employees who work over 212 hours in a 28-day period are eligible for overtime (at time and half) pay.

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POLICY TITLE: PROBATIONARY PERIOD

DEPARTMENT: Human Resources

Policy Chapter: Employment Status & Records

Section Number: HR 2.04

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To define the expectations and rights of an employee in the probationary period.

POLICY:

All new employees hired to fill regular full-time or part-time positions must satisfactorily complete an initial performance probationary period of six (6) months.

Employees covered by Chapter 143 of the Texas Local Government Code shall serve a probationary period as contained in Chapter 143. In general, the probationary period is twelve (12) months but can be extended to eighteen (18) months depending on initial certification requirements.

Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position, as well as former City employees who are rehired, must satisfactorily complete a performance probationary period of six (6) months. The probationary period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and behavioral standards during their probationary period will be retained as employees. The probationary period may be extended for additional training as determined by the supervisor. Employees are considered in the probationary period until they have actually performed their regular job duties for at least six months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

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

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

Change In Assignment of Employee serving in the Initial Probationary Period. Employees serving in the probationary period may not request or make application for reassignment, promotion, or voluntary transfer during the probationary without written approval from the Human Resources Director and the Department Director. If the reassignment, promotion, or transfer is approved, the employee will serve a **six-month** performance probationary period in the new position beginning with the date of the position change.

Absences During Performance Probationary Period. During the initial probationary period, an employee is not eligible to use vacation leave unless specifically approved by the Department Director and Human Resources. Transferred or promoted employees serving in the probationary period retain eligibility for all types of leave established by City policy.

Probationary Performance Evaluations. All employees serving in the probationary period shall be periodically evaluated and will receive a performance evaluation(s) in accordance with the *Policy 2.05 Performance Management*. These reviews are designed to evaluate each employee's performance and to communicate that performance to the employee.

Extensions to Probationary Period. The performance probationary period may be extended under the following circumstances:

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

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

Failure of Probationary Period. An employee is considered to have failed the probationary period when it is determined that the employee's job performance (including attendance), behavior, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of probationary period may occur at any time within the probationary period. An employee who does not successfully complete the probationary period will normally be terminated from the City's employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City.

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A transferred or promoted employee who fails the probationary period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring thorough written documentation of all cases of failure of the probationary period, including documentation of counseling, training, and other efforts to help employees during their probationary period. All such documentation must be reviewed by the Human Resources Director before an employee serving in the probationary period can be terminated.

Termination of Employees Serving in the Probationary Period. All employees of the City including those serving in the initial probationary period are at-will employees and may be terminated at any time during the probationary period, with or without notice or cause. An employee serving in the initial probationary period who is terminated has no right of appeal. Employees serving in the initial probationary period are subject to all policies and procedures of the City with the exception of appeal rights.

Code of Conduct. Employees serving in the probationary period are subject in all respects to the Code of Conduct policies, including *Policy 5.06 Sexual and Other Unlawful Harassment*. Employees serving in the probationary period have no right of appeal, however, if it is believed that unlawful harassment or discrimination has occurred; such conduct must immediately be reported as set out in City Policy.

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POLICY TITLE: PERFORMANCE MANAGEMENT SYSTEM	
DEPARTMENT: Human Resources	
Policy Chapter: Employment Status & Records	Section Number: HR 2.05
Approved Date: 04-01-2017	Approved By: 
Effective Date: 10-01-2020	
Revision Date:	

PURPOSE:

The City of Duncanville strives to provide an environment where all employees understand the impact their contributions have on the achievement of City goals and are provided the opportunity for ongoing personal growth. The purpose of this policy is to provide a performance management system that supports this end through ongoing dialogue between employees and supervisors.

POLICY:

In order that employees may be encouraged to grow, and receive regular performance feedback, the City of Duncanville shall utilize a system of performance management, further defined below, in which employees and supervisors work together to develop and establish performance and achievement goals, and to measure and review progress toward said goals.

PROCEDURES:

The City of Duncanville recognizes three phases of the performance management process:

1. **Planning:** the employee and supervisor work together to mutually develop and establish SMART¹ goals and objectives for the upcoming review period
2. **Managing:** the employee and supervisor communicate regularly to stay abreast of progress towards the successful completion of said goals and objectives
3. **Review:** the employee and supervisor meet to review progress over the review period toward goals and objectives established in the planning phase

This process involves mutual effort between the employee and the supervisor, and is realized and documented through periodic Performance Review Meetings, as well as various formal and informal communications between said meetings. A typical Performance Review Meeting involves both the completion of one cycle (via a review of the employee's performance over the previous period) and the beginning of a new cycle (with the planning and development of SMART goals for the upcoming period).

¹ **S** – Specific, clear, and understandable; **M** – Measurable, verifiable, and result-oriented; **A** – Attainable, yet sufficiently challenging; **R** – Relevant to the mission of the department or organization; **T** – Timely with a schedule and specific milestones

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TIME AFTER DATE OF HIRE, TRANSFER, PROMOTION, DEMOTION	EVENT/ACTION
Within 1 week	<p>Initial Planning Meeting</p> <ul style="list-style-type: none"> • Review job description, performance expectations • Set SMART goals for 6-month probationary period, complete Section I: Planning of <i>Employee Performance Development & Review</i> (EPDR) form
0-6 months	Track progress toward goals, meeting at least monthly. Document progress in EPDR Section II.
6 months	<p>Performance Feedback Meeting</p> <ul style="list-style-type: none"> • Review progress and performance over 6-month probationary period, complete EPDR Section III form • Complete <i>Supervisory Supplement</i> form for employees with supervisory responsibilities • Set SMART goals for next review period, start a new <i>EPDR</i> and complete Section I <p>After meeting, send the completed <i>EPDR</i> for probationary period to HR for filing</p>
Catching up to Calendar Year	The typical management cycle will be a 12 month cycle beginning in January and ending in December. For a new employee, who has completed their six (6) months probationary period, supervisors will need to modify the review cycle in order to sync up with the calendar year ongoing. Contact HR for assistance.
PERFORMANCE MANAGEMENT CYCLE – CALENDAR YEAR	
End of Cycle	<p>Annual Performance Review Meeting</p> <ul style="list-style-type: none"> • Within 15 days of final review meeting for the cycle, supervisors provide employees with the optional <i>Employee Self-Evaluation and Development Proposal</i> form. This form may help facilitate discussion of collaboratively setting SMART goals but it is optional. • Supervisor complete Section III • Complete <i>Supervisory Supplement</i> form for employees with supervisory responsibilities • Set SMART goals for next cycle with a new <i>EPDR</i> and complete Section I <p>After the review meeting, send the completed <i>EPDR</i> from previous 12 month cycle to HR for filing.</p>

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During the current cycle	<ul style="list-style-type: none"> Review progress and performance over the year at a minimum of quarterly, complete EPDR Section II
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NOTE: Annual evaluations should be completed within 30 days of the end of the calendar year.

GOAL SETTING

Goal setting should be a mutual effort between the employee and the supervisor. Employees are encouraged to identify goals and objectives of their own as it pertains to performance and development. Employees will be able to propose said goals on the *Employee Self-Evaluation & Development Proposal* form. Collectively between the employee and supervisor it is recommended that no more than 5 goals/objectives be established for the evaluation period but a minimum of 2 goals should be established. Goals should be listed by priority.

Goals should always be tied to one of the following:

- 1) Job Performance – achievements through assigned projects or added tasks, and growth through knowledge, skills, and abilities;
- 2) Organizational and City Council goals – projects and tasks that align with the set goals of the organization and city council.
- 3) City values - behavioral goals based on the city code of conduct and values.
- 4) Personal Growth/Development – goals not otherwise categorized above but relevant to the job.

CORE COMPETENCIES

The following tables outline the core performance and behavioral competencies expected of all City employees. The definitions below are generalized. See the performance expectations for a specific position to further clarify each competency as it relates to that position.

Performance Factors – applicable to all employees

Knowledge, Skills & Abilities	<ul style="list-style-type: none"> Demonstrates, through work product, a grasp of the technical knowledge, skills, and abilities needed to perform job functions
Quality of Work	<ul style="list-style-type: none"> Produces accurate, neat work, with little to no errors or omissions Performs work thoroughly
Quantity of Work	<ul style="list-style-type: none"> Completes assigned work in a timely manner Is able to manage a sufficient quantity of tasks and projects
Work Habits / Time Management	<ul style="list-style-type: none"> Develops detailed, realistic plans and organizes work assignments to ensure timely completion of quality work Manages time well and effectively handles multiple demands and competing priorities Attends work regularly, is on time to work, and observes set working hours

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Communication	<ul style="list-style-type: none">• Readily shares information and provides assistance• Exhibits clarity, conciseness, and accuracy in verbal and written communication• Demonstrates understanding of received instructions• Understands and works toward group goals and objectives• Encourages and is receptive to new ideas and procedures
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Behavioral Traits – applicable to all employees

Dependability	<ul style="list-style-type: none">• Accepts suggestions and follows directions• Considers constructive criticism and makes necessary changes in performance• Adheres to established city and departmental policies and procedures• Demonstrates best safety practices and responsibility for city resources• Requires minimal supervision
Interpersonal Relationships (Teamwork)	<ul style="list-style-type: none">• Interacts professionally and courteously with supervisors, coworkers, citizens, and others• Demonstrates tolerance of differing behaviors, customs, and communication styles• Gets along with others and establishes effective relationships to accomplish work and perform services• Demonstrates respect for others, including the community and peers• Demonstrates courtesy and tact when dealing with people• Fully participates as a team member in the accomplishment of work
Initiative	<ul style="list-style-type: none">• Proactively keeps supervisor informed on status of assigned work• Does not wait to be instructed to perform a task that is within scope of work• Anticipates situations and prepares for them
Adaptability	<ul style="list-style-type: none">• Demonstrates good judgment and makes reasonable decisions• Performs well in new and unexpected situations• Shows willingness to learn new tasks and procedures, incorporate new ideas or methods
Judgment	<ul style="list-style-type: none">• Makes sound decisions in the absence of detailed instructions or direct supervision• Practices self-control and thinks before acting• Determines appropriate course of action and takes the same• Does not allow situations to further deteriorate and recognizes when to ask for assistance• Thoughts and actions are aligned with the mission and values of the department and organization

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Supervisory Skills – applicable only to employees classified as managers/supervisors)

Note: Supervisors include Field Supervisors, Activity Managers, and senior level management.

Leadership	<ul style="list-style-type: none"> • Demonstrates the ability to get other people to work together effectively • Is able to see the “big picture” and articulate how the pieces fit together • Demonstrates ownership for own activities and direction given to others (doesn’t pass the blame when things go wrong) • Recognizes and appreciates individual differences • Interacts with others objectively • Is able to draw upon his/her own resources in assessing situations and taking or recommending appropriate action for resolution
Delegation	<ul style="list-style-type: none"> • Assigns responsibilities to an employee to complete a task • Grants the employee sufficient authority to gain the resources to do the task and allows the employee to decide how that task will be done • Defines expectations and tasks clearly • Shares accountability with employee for ensuring the task is completed
Planning and Organizing	<ul style="list-style-type: none"> • Plans and organizes work, coordinates with others, establishes appropriate priorities • Allows sufficient time for completion of assignments • Determines appropriate action and follows through in a timely manner • Ensures that work and services consistently meet needs of customers
Developing Others	<ul style="list-style-type: none"> • Performance expectations are clearly communicated, gives feedback regularly, and addresses poor performance/behavior in a timely manner • Encourages and initiates regular discussion of performance and evaluates subordinates timely • Fosters the learning and development of others through coaching, managing performance, and mentoring
Personnel Management	<ul style="list-style-type: none"> • Effectively and appropriately sets the tone in the department, for example brings about an enthusiastic and optimistic attitude in the department, consistent with demeanor towards subordinates and co-workers • Regularly recognizes individual and team successes • Provides timely information on performance and frequent feedback • Seeks collaborative solutions when possible to resolve differences/issues/problems • Addresses unacceptable behavior or performance immediately and focuses on the situation, issue, or behavior rather than on the person • Promotes employee safety and wellness

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- Maintains appropriate confidentiality
- Treats all subordinates fairly and consistently

RECOGNIZING AND REWARDING ABOVE-STANDARD PERFORMANCE

Employees respond to appreciation expressed through recognition of their good work because it confirms their work is valued. When employees and their work are valued, their satisfaction and productivity rises, and they are motivated to maintain or improve their good work. Therefore exceptional performance should be recognized timely and often. The annual Performance Feedback Meeting should not be the first and only time an employee is praised for good work.

Exceptional performance may be rewarded in various formal and informal ways, including, but not limited to:

- merit increases,² when available as approved in the City's budget,
- one-on-one recognition (e.g. thank-you notes), or
- public recognition in staff/team/department meetings, emails to all City employees, the City's website and/or social media outlets, newsletters, or other such channels.

ADDRESSING UNSATISFACTORY PERFORMANCE

Performance management is a significant and sometimes very time-consuming part of every manager's job and dealing with poor performance/conduct is inevitable. Any deficiencies in performance and/or conduct shall be documented in writing and addressed with the employee immediately by using the *Performance Correction Notice* form. Addressing unsatisfactory performance should never wait until the annual performance review or quarterly meetings.

Unsatisfactory performance or behavior may be addressed in various ways, including but not limited to:

- Verbal Counseling
- Written Reprimand
- Suspension
- Demotion
- Performance Probation, Performance Improvement Plan
- Termination

Please see *Policy 5.02 Disciplinary Action Procedures* for further explanation and procedures.

² When merit increases are available, employees may receive an increase to their annual base pay as a reward for meritorious performance. Merit increases, however, are strictly a function of budget availability and are not guaranteed. It is important to remember that performance increases should be differentiated between employees based upon their overall performance ratings and, in general, top performers should receive higher pay increases.

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POLICY TITLE: PERSONNEL FILES	
DEPARTMENT: Human Resources	
Policy Chapter: Employment Status & Records	Section Number: HR 2.06
Approved Date: 12-28-2016	Approved By: 
Effective Date: 01-01-2017	
Revision Date: 10-01-2020	

PURPOSE:

To outline the information maintained in the personnel file, employee's access to the file, and how an employee must keep personnel data and records current.

POLICY:

The City of Duncanville maintains an official personnel file in Human Resources on each employee including such information as the employee's job application, resume, performance evaluation forms, personnel status forms, disciplinary records and other employment records.

A. Restrictions of File

Personnel files are the property of the City, and access to the information they contain is restricted. However, release of information contained in the personnel file is subject to the Public Information Act. Information contained in the personnel file, except information deemed confidential by law or other information that is excepted from disclosure under the Public Information Act, may be released pursuant to such act. Additionally, direct or hiring supervisors and management personnel of the City who have a legitimate reason may review information in a file. Medical, benefit, and deduction related records are maintained separate from the personnel file and will not be released to the public, unless required by law. An employee or former employee may choose not to allow public access to information that relates to the employee's home address, home telephone number, or social security number, or that reveals whether the employee has family members, by signing a written non-disclosure form at the time of employment, termination, or retirement. An employee or former employee may also later choose to open or close access to such information.

B. Employee Access to File

Employees who wish to review their own file shall contact the Human Resources Department to schedule an appointment. With reasonable advance notice, employees may review their own personnel file in the Human Resources Department in the presence of a Human Resources employee. The employee may review the files and take notes or request copies of select pages, but shall not add or remove anything from their personnel file.

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C. Personal Data Changes

It is the responsibility of each employee to notify the Human Resources Department within one (1) week of any changes in personal data, such as personal mailing addresses, telephone numbers, emergency contact, etc. For employees with dependent insurance coverage, the number and names of dependents must also be kept up to date.

D. Confidentiality of Medical Information

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. Human Resources maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- a note to justify an absence;
- a note to request medical leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records;
- workers' compensation records; and
- medical history records

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any genetic information inadvertently sent to the City will be returned to the health care provider.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or Human Resources. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

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

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POLICY TITLE: JOB DESCRIPTIONS	
DEPARTMENT: Human Resources	
Policy Chapter: Employment Status & Records	Section Number: HR 2.07
Approved Date: 12-28-2016	Approved By: 
Effective Date: 01-01-2017	
Revision Date: 10-01-2020	

PURPOSE:

To outline the content of job descriptions and procedures for composing, revising, and ensuring the accuracy of the descriptions.

POLICY:

The City of Duncanville makes every effort to create and maintain accurate job descriptions for all positions within the City. Each description includes the following sections: job summary, essential duties and responsibilities, job requirements, and work environment section.

The City maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

If a new position is created, the hiring manager will complete a job description evaluation and Human Resources will determine the appropriate classification. Existing job descriptions should be reviewed each time the position becomes vacant. Job descriptions should be reviewed by the department on an annual basis to ensure that they are up to date and reflect changes. Employees are expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

Employees must remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Employees may contact the Human Resources Department with questions or concerns about the job description.

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POLICY TITLE: SEPARATION FROM EMPLOYMENT	
DEPARTMENT: Human Resources	
Policy Chapter: Employment Status & Records	Section Number: HR 2.08
Approved Date: 12-28-2016	Approved By: 
Effective Date: 01-01-2017	
Revision Date: 10-01-2020	

PURPOSE:

To define the various designations for employment separation.

POLICY:

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

- A. **Resignation.** Resignation is a voluntary act initiated by the employee to end employment with the City. An employee who intends to resign is requested to notify the supervisor and/or the Human Resources Manager in writing at least 2 weeks prior to the last day of work. The supervisor is responsible for immediately notifying the Human Resources Manager.
- B. **End of Seasonal Employment.** Employees who are considered seasonal employees will separate from employment at the end of the seasonal period.
- C. **Retirement.** An employee who intends to retire is requested to notify the Department Director, supervisor and the Human Resources Manager, in writing at least one (1) month prior to the date of retirement, if at all possible. The TMRS application for retirement must be in the TMRS office the day of intended retirement date to lock in the in-service-date.

Retiree Health Coverage. An employee who retires from City employment and who is entitled to receive retirement benefits from TMRS, is entitled to purchase continued health benefits coverage for the retiree and eligible dependents; unless the person is eligible for group health benefits coverage through another employer. To receive continued coverage under the plan, the employee must inform the Human Resources Manager on or before the date of retirement. If the employee elects to continue coverage for the retiree and/or any eligible dependents and later elects to discontinue such coverage, the retiree and/or dependent is no longer eligible for coverage. An employee can elect retiree coverage only if covered under the plan at the time of retirement. Similarly, a retiree may elect to cover only those eligible dependents that were covered under the plan at the time the employee retired. A person who was not covered under the plan at the time of the employee's retirement is not eligible for retiree coverage. The City may provide for a different monthly premium rate(s) for retirees who elect to continue health benefits coverage.

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The City may substitute Medicare supplement health benefits coverage as the coverage provided for a person who receives health benefits coverage, including an eligible dependent, after the date the person becomes eligible for federal Medicare benefits. A person who is entitled to retiree group health coverage must make payments for the coverage at the same time and in the same manner as current City employees.

- D. Dismissal/Termination.** The City may terminate an employee's employment as a result of unsatisfactory performance or conduct and/or violation of City policies or procedures, including a new hire who fails the orientation period. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of City policies or procedures, are not eligible for rehire.

Dismissal may also include:

1. **Job Abandonment.** If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for three or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be terminated.
2. **Long-Term Absence.** The City has an obligation to provide services to citizens. The City reserves the right to fill a position if an employee has been absent from work for more than 180 calendar days, for whatever reason, except as provided below. Brief appearances at work during an overall absence of 180 days will not prevent the City from filling the position if it is determined to be in the City's best interest. Likewise, any employee who reports to work (e.g., in a light duty capacity) but is unable to perform the essential duties of his or her actual position for a period of 180 days will be released from employment if it is unlikely, in a doctor's opinion, that the employee will be able to perform the essential functions of his or her position. Nothing in this policy guarantees an employee ongoing employment for 180 days (or for any other period of time) if it is determined that the employee will be unable to return to perform the essential job functions within a 180-day period. In other words, the City may elect to end the employee's employment before the expiration of 180 days, provided that FMLA leave has been exhausted, if it is unlikely that the employee will be able to perform the essential job duties of his or her actual position at the end of 180 days. An employee who has a paid leave balance remaining at the end of 180 days may, at the City's option, extend his/her leave using any available paid leave balance up to a maximum paid absence of one year, or be terminated and paid for accrued leave balances.

This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act.

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3. **Incapacity.** An employee may be terminated for incapacity when the employee no longer meets the physical or mental requirement of the job with or without accommodations. A termination for incapacity is not considered a disciplinary action. The employee may receive accrued vacation and sick leave benefits if provided by policy, if any, payable upon termination.
 4. **Reductions-in-Force/Reorganization.** An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.
- E. Death.** If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.

ELIGIBLE FOR REHIRE

For the purposes of determining "eligibility for rehire" when seeking other employment, employees will be considered eligible for rehire for separating employment for any reason with the City, with the exceptions of:

1. Dismissal for Gross Misconduct
 - a. Gross Misconduct is defined as objectionable action that is willful and cannot be described as a mistake or an act of negligence. Such action can include, but not limited to:
 - i. Wanton disregard for the safety of others;
 - ii. Deliberate acts of violence or hostility
 - iii. Attempts to financially defraud the city
 - iv. Significant levels of insubordination
 - v. Dishonesty through falsification of documents or other forms of misrepresentation
 - vi. Criminal offenses that happen in the workplace
 - vii. Violations of EEOC anti-discrimination and anti-harassment laws
2. Job Abandonment

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POLICY TITLE: TIMEKEEPING	
DEPARTMENT: Human Resources	
Policy Chapter: Employment Status & Records	Section Number: HR 2.09
Approved Date: 12-28-2016	Approved By: 
Effective Date: 01-01-2017	
Revision Date: 08-01-2017; 10-10-2020	

PURPOSE:

To define time worked and not worked, and to outline the City's timekeeping procedures.

POLICY:

Accurately reporting time worked and leave used is the responsibility of every employee. The City must keep an accurate record of time worked in order to calculate employee pay and benefits.

A. Time Worked

Time worked includes all time that an employee is required to be physically at work for the City. Time worked is used to determine overtime pay for nonexempt employees. The City does include the following provisions as time worked:

1. Work Away from Premises or at Home: A non-exempt employee shall not be permitted to perform work away from the premises, job site, or at home, unless approved in advance in by the Department Director. If approved, work performed off the premises, job site, or at home by a non-exempt employee must be counted as time worked.
2. Break Time: Rest periods of fifteen (15) minutes or less are counted as time worked. See *Policy 6.01 Breaks* for additional information.
3. Lectures, meetings, and training programs are considered hours worked UNLESS the four of the following criteria are met: 1) it is outside of normal hours; 2) it is voluntary; 3) not job related; and 4) no other work is concurrently performed. If all four criteria are met, then hours are considered TIME NOT WORKED

B. Time Not Worked

Per the Fair Labor Standards Act (FLSA), the City does **not** count the following provisions as time worked:

1. Paid Leave: Approved paid absences, including but not limited to sick leave, vacation leave, holiday leave, FMLA, military leave, jury duty, non-job related witness duty, emergency leave, and voting time off are not counted as time worked.
2. Lunch or Dinner Periods: Uninterrupted time off for lunch or dinner is not counted as time worked.
3. Being On-Call time is not considered time worked, unless required to remain on the premises or when dispatched.
4. Ordinary home to work travel or work to home is not considered time worked.

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5. Travel time to and from out of town business when the travel is outside of regular working hours.

C. Timekeeping

All city employees will use the City's Time and Attendance software, ExecuTime, to capture and record time. At the end of each pay period, it is the employee's responsibility to approve their time to certify the accuracy of all time recorded. The direct supervisor will review and approve the time recorded and Department Managers and/or the designated timekeepers should review for accuracy before time is submitted to payroll for processing. In the event of an error in reported time, immediately report the problem to the direct supervisor and Human Resources.

Intentionally altering, falsifying, or tampering with time records are grounds for discipline, up to and including termination. The following are examples of misconduct in regard to timesheets and timekeeping;

- Employees clocking in or out for other employees
- Falsifying time records
- Employees with supervisory access to the software: altering or tampering with time records of employees not under your supervision (unless designated as a backup).
- Supervisors may make adjustments to their employees' time records in order to:
 - Capture overtime correctly for hours worked
 - Make a clock in or out adjustment if the employee forgot to do so or if clocking in early, as example, results in hours recorded but not worked
 - Insert leave time not requested through the system or remove leave time requested but not taken
 - Insert other hours that should be recorded but not otherwise recorded by the employee; or adjust other hours recorded incorrectly
 - Any other reason will be considered tampering with a time record and therefore with be subject to disciplinary action, up to and including termination.

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POLICY TITLE: COMPENSATION PAY PLAN

DEPARTMENT: Human Resources

Policy Chapter: Employee Compensation and Benefits

Section Number: HR 3.01

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 05-08-2019; 10-01-2020

PURPOSE:

The administration of salaries for each position is based on the philosophy of maintaining a competitive pay structure for the purpose of recruiting and retaining an effective workforce. Determination of appropriate compensation is based on the following principles:

1. Provide compensation based on knowledge, skills and abilities for each job description.
2. Regularly review the internal equity of positions, evaluating their job duties within the organization.
3. Establish individual equity measures within the performance review process and provide for opportunities for performance-based increases, as determined by funds availability.
4. Review classifications to ensure competitiveness with similar jobs within the local economy or applicable labor market, establishing ranges similar to that market.

POLICY:

A pay plan is a schedule of base salary rates that establishes the relationships between a group of job classifications within an organization. Longevity, overtime, and other additional pays (such as certificate pays) are not included in the base salary rate.

Base pay is the compensation for services performed and not a reward for seniority, longevity of service, promise to produce, or the ability to produce. When funds are available for merit increases they will be provided for employees who have earned or merited the pay through their performance. If used competently and strategically, the pay plan is an excellent tool for recruiting and retaining a quality workforce. A pay plan defines the boundaries for making decisions regarding pay.

The pay plan and procedures governing it are subject to revision each fiscal year, or as often as may be deemed necessary based on market changes and other management considerations.

Police and Fire Civil Service pay plans must be approved by City Ordinance by City Council.

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PROCEDURES:

A. Beginning Pay – the rate determined to be appropriate for a new employee based on the employee’s level of education and job-related experience.

1. Applicants who meet the minimum qualifications of the position will be placed at the minimum of the salary pay grade. A 3% merit increase will be granted upon successful completion of the initial probationary period.
2. Applicants with more experience and/or qualifications than the minimum qualifications may be recommended as high as 5% above the minimum for starting pay with Department Head and Human Resources approval.
3. Applicants with substantially better than minimum qualifications may be recommended for a higher starting pay by the Department Director. A memo requesting a higher starting pay and justification must be forwarded to and approved by the City Manager before offering to the applicant.
4. Civil Service employees are on a step pay plan and will be placed on the appropriate step in accordance with Texas Local Government Code, Chapter 143; and Local Civil Service Rules.
5. Re-hired employees will be treated as new hires.

B. Promotion – the result of being selected by a supervisor for a new or vacant position assigned to a higher salary grade.

1. Upon promotion, the employee will be placed in the new position’s assigned salary pay grade. The increase in salary will either be the minimum of the new salary range or 7%, whichever is greater. A 3% merit increase will be given upon successful completion of the promotion probationary period.
2. Civil Service employees are on a step pay plan and will be placed on the appropriate step in accordance with Texas Local Government Code, Chapter 143; and Local Civil Service Rules.

C. Temporary Promotion – the action that places a qualified person in a higher level classification on a temporary basis until the current occupant returns from extended leave or open position can be filled through the normal hiring process.

1. Temporary promotions are limited to a minimum of thirty consecutive calendar days to a maximum of six months for all positions except Department Director or above. Please see *Policy 3.08 Out of Class Pay* for further information.
2. Civil Service employees will receive the difference in pay from current pay rate and the starting pay of the next rank when assigned to “step up” during a shift.

D. Demotion – the movement of an incumbent from the current assigned position to a lower paid position. Demotions usually occur involuntarily due to unsatisfactory job performance; however a demotion can occur due to a mutual agreement between the employee and supervisor at the employee’s request.

1. If returning to the same position as held prior to the current promotion, the employee will be returned to their previous salary or percentage of placement within the range (if salary ranges have been adjusted) prior to the promotion.

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E. Reclassification - the action that results when a position has taken on significant new duties and responsibilities since the last time the job was evaluated. The new duties may or may not add points to compensable job factors used to determine a new grade and may result in a higher or lower salary grade based on the outcome of the compensation analysis. As a part of the reclassification process, a different job title is selected to reflect the changes in the work performed.

1. During the annual budget process a supervisor may submit a reclassification request based on additional duties assigned and higher responsibilities given to a position. Also upon a position vacancy and/or change in organizational structure, reclassifications may be considered outside of the annual budget process.
2. Upon analysis and justification of the reclassification, if the results lead to an increase in classification, an employee's salary will be adjusted to the minimum of the new salary pay grade; however, a 5% increase above the minimum of the new salary pay grade may be recommended with Department Head and Human Resources approval. A recommendation for a higher reclassification minimum pay may be made by the Department Director. A memo requesting a higher reclassification pay and justification must be forwarded to and approved by the City Manager before becoming final.
3. Reclassification does not equate to a promotion. It does not initiate a probationary period nor does it result in a merit increase after six months.

F. Transfer – the lateral movement of an employee to a new position in the same pay grade as his/her current position.

1. Movement within the same department:
 - a. Different position within the same pay grade – no base pay change.
2. Movement to a different department:
 - a. Different position within the same pay grade – no base pay change.

BUDGET CONSIDERATIONS

- All salaries must be adequately funded in each department's annual budget.
- Requests for reclassification or review of position should normally be done annually as part of the annual budget process. Should the need exist for reclassification or review, the Department Director must submit the request with adequate justification in time for budget review. All approved reclassifications, if funded, will become effective the first full pay period in October of the fiscal year.
- All reclassifications must be approved by the City Manager.

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POLICY TITLE: OVERTIME

DEPARTMENT: Human Resources

Policy Chapter: Employee Compensation and Benefits

Section Number: HR 3.02

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE

To provide a consistent policy governing overtime work in accordance with the Fair Labor Standards Act and Chapter 142 of the Local Government Code.

POLICY

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

A. Eligibility for Overtime

1. Per FLSA (Fair Labor Standards Act), every employer must define the workweek, a 7 (seven) day period of time. The City's seven (7) day workweek begins at 12:00 AM on Sunday and ends at 11:59 PM the following Saturday.
2. Generally, except for Fire and Police Department shift employees, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for actual hours worked in excess of 40 hours within the defined workweek.
3. Police officers assigned to the Patrol divisions, Public Safety Officers and shift firefighter personnel have a different FLSA cycle than the regular forty (40) hour work cycle. Fire and Police personnel are paid overtime based on the work cycle adopted by their Department under Section 207(k) of the Fair Labor Standards Act and Section 142.0015 of the Local Government Code. The work schedule may vary throughout the year but it is published at a minimum of at least one time annually within the department.

Police

Police Patrol shift personnel, including Public Safety Officers, have a fourteen (14) day FLSA cycle that coincides with the City's bi-weekly pay period that begins on Sunday at 12:00 AM and ends fourteen (14) days later at 11:59 PM Saturday. Worked hours over 80 within the 14 day period are considered overtime hours.

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Fire

Fire shift employees have a 28 day FLSA cycle. Worked hours over 212 within the 28 day FLSA cycle will be considered overtime hours. Though the 24 hour fire shift begins at 7 AM and ends at 7 AM on the following day, for the purposes of payroll and timesheet reporting, the 24 hour period is recorded as 12:00 AM – 11:59 PM. The 28 day cycle always starts as of 12:00 AM Sunday and will end 28 days later at 11:59 PM Saturday. The 28 day cycle coincides with the City's bi-weekly payroll, usually breaking up the cycle with a short 96 hour payroll for pay period 1 and a long 120 hour payroll for pay period 2 (or vice versa). Worked hours over 212 in the two (2) pay periods combined are considered overtime hours and are paid out on the second pay period payroll at the conclusion of the 28 day cycle.

4. For the purpose of overtime 1-1/2 calculation, FLSA defines the ½ portion rate as the “Regular Rate”. This regular rate of pay includes all pay incentives on top of base salary, such as certification pay, paramedic pay, longevity, and assignment pays.

B. Scheduling and Working Overtime

Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal to accept an overtime assignment when reasonable notice has been given or in an emergency may be cause for discipline, up to and including termination.

All non-exempt employees must receive their supervisor's or Department Director's prior authorizations before performing any unplanned overtime work. This means employees may not begin work prior to their scheduled work day and may not continue working beyond the end of their scheduled work day, without prior authorization from the appropriate supervisor. Similarly, non-exempt employees may not work through their lunch break without prior authorization from the appropriate supervisor. The supervisor must approve any overtime before time is actually worked. Non-exempt employees who work overtime without receiving proper authorization will be subject to disciplinary action, up to and including termination of employment.

C. Flex-time Work Schedule

In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor may consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek (for general employees) or work cycle (for Police and Fire under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.

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D. Time Worked

Approved paid absences, including but not limited to sick, vacation, holiday or holiday banked leave, FMLA, military leave, jury duty, and emergency leave, and voting time off are not counted as actual time worked for the purposes of computing overtime. Also see *2.10 Timekeeping* for additional information.

E. Compensatory Time

The City does not allow accrual of compensatory time by exempt or non-exempt employees.

F. Exempt Employees

Exempt employees are those who are exempt to the overtime requirements of the FLSA. Exempt employees are paid a base rate of pay, regardless of the number of hours worked. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner. However, at the discretion of the Department Director or City Manager, if the exempt employee has put in a considerable amount of time above and beyond, schedule adjustments can be granted without using accrued leave. This is normally limited to 8 hours or less. The proper request and approval procedure still apply.

EXCEPTION: Exempt employees may receive Compensatory Time only in emergency situations that the City Manager designates as an emergency (such as natural or man-made disaster that disrupt the delivery of essential services). The Compensatory Time will be given at a one and a half rate of time, meaning that if eight hours are worked, twelve hours of Compensatory Time will be given to the Exempt employee. Authorization of awarding Compensatory Time must be approved in writing by the department head and submitted to HR. Compensatory Time will be capped at a maximum accrual of 80 hours and any unused hours of Compensatory Time at the end of one year from the date earned, will be lost.

NOTE: An emergency situation is defined as a disruption or loss of an essential service related to water, electricity, health or safety.

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POLICY TITLE: LONGEVITY PAY

DEPARTMENT: Human Resources

Policy Chapter: Employee Compensation and Benefits

Section Number: HR 3.03

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

POLICY:

The purpose of this policy is to outline the procedures regarding longevity pay, which is provided to recognize the value of long-term service with the City of Duncanville. Longevity pay is applicable to all Full-Time employees, Civil Service or non-Civil Service.

A. Eligibility

All Fulltime employees are eligible to begin receiving longevity pay when they have completed one (1) full year of employment as of their hire date. Payment will be based on months of continuous service as of October 1.

B. Accrual

Accrual is at the rate of \$4.00 a month for each full month of uninterrupted service, beginning after one year of employment, to a maximum of 25 years (300 months).

C. Payment

Payment will be paid in a lump sum during the second (2nd) payroll in November of each calendar year. Longevity payments will be produced as a separate payroll run and will be direct deposited to the employees main/final direct deposit account.

Example: If an employee begins employment on 6/25/2020, they will not receive a longevity lump sum in November of 2020 since they have not fulfilled the requirement of completing one full year of employment by October 1. However, for this same employee, in November 2021, they will receive a lump sum based on the following calculation. \$4.00 per month for 16 months = \$64.

D. Upon Change in Employment Status or Separation from Employment

Upon separation or employment status change, pro-rated longevity pay will be paid on the employee's final check.

LONGEVITY MILESTONE AWARD

Fulltime employees are eligible to receive longevity milestone awards. Milestone awards recognize employees who have completed 5, 10, 15, 20, 25, 30, 35 years of continued service with the City. The award values are:

5 years = \$50
10 years = \$100
15 years = \$150
20 years = \$200
25 years = \$250
30 years = \$300
35 years = \$350

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POLICY TITLE: ON CALL AND CALL BACK

DEPARTMENT: Human Resources

Policy Chapter: Employee Compensation and Benefits

Section Number: HR 3.04

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

POLICY:

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

- A. Return to work provisions.** After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via phone or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.
- B. Compensation.** On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back, which means returning to city premises, or is required to remain on City premises. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of two hours pay for each call-back within the same 24 hours after their regularly scheduled work hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the 2 hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. The 2 hour minimum guarantee will not apply. In all cases, employees must report their actual hours worked on their time sheets.

In addition, employees designated as On-Call will receive a \$100 stipend added to their pay for being On-Call for the week.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

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C. Departmental Policies. Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

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POLICY TITLE: CELL PHONE ALLOWANCES

DEPARTMENT: Human Resources

Policy Chapter: Employee Compensation and Benefits

Section Number: HR 3.05

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to establish standardized procedures for providing cellular phone, or device, allowances or procurement of a city-issued cellular phone or device. Cell phones and allowances shall be provided to improve productivity, enhance customer service to our citizens and/or to enhance public safety services.

POLICY:

It is not the intention of this policy to pay the full cost of the employee's monthly usage costs with their personal carrier. It is intended to only cover the reasonable cost that the employee incurs while using their cellular phone as part of their job duties and responsibilities. The employee is responsible for procuring and paying for all services and equipment for their own personal cellular phone or device. Allowances are considered taxable income. The employee is responsible for retaining an active service contract.

The department directors are required to provide justification for a cellular allowance to Human Resources along with the status change form to add the allowance to payroll. The justification should include how the cellular phone or device will be used in conducting City business as well as an estimate on the frequency of usage. It should not be issued based solely on position or title. To be eligible for a cellular phone, or device, allowance one of the following criteria must be met:

1. Public/Personal Safety – the employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of the citizens or employees. This does not include positions that are required to use/carry a city-issued duty phone. A duty phone, or device, is a city-issued phone used by multiple employees on a rotating or shift basis.
2. Accessibility – the employee is required to maintain accessibility with other employees, vendors, citizens in order to ensure the uninterrupted flow of services to customers, and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternate methods of completing the task. Generally, this would apply to employees who are frequently out of the office or in the field.

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3. Responsiveness – the employee requires immediate direct communication to conduct urgent City business to ensure responsiveness to operational and/or support functions.

PROCEDURE:

- A. Department directors shall submit justification to Human Resources along with a status change form to Human Resources for cellular phone, or other telecommunication devices, allowance provided the above-mentioned criteria are met. If an employee is deemed eligible for an allowance, the Department director shall designate an allowance amount of \$40 per month or \$60 per month.
 - a) \$40 per month is the base line allowance
 - b) \$60 per month is for heavy usage. Heavy usage is defined as positions required to predominately be out in the field and must heavily use their personal cell phone to conduct city business throughout the work day.
- B. If the employee prefers to use a city-issued phone versus using their personal cell phone, a request must be made in writing to the Purchasing Manager. The above eligibility criteria still apply. Minimal personal use of a city-issued cell phone is allowable; however, city-issued cell phones are considered taxable income, per IRS regulations, if personal use becomes frequent.

PUBLIC INFORMATION ACT

Employees are advised that records related to calls and text messages made and received on City-owned or personal cell phones may be subject to disclosure under the Public Information Act when the device is used for City business. Information related to telephone numbers called, length of call, and time and date of call as well as text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances. Moreover, the device itself may be required to be reviewed by the City's public information officer, City Attorney or Texas Attorney General to determine the disclosure of information.

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POLICY TITLE: CERTIFICATION PAY

DEPARTMENT: Human Resources

Policy Chapter: Employee Compensation and Benefits

Section Number: HR 3.06

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to set forth eligibility and qualification for certification and accreditation pay.

POLICY:

Certification or accreditation pay is a monthly pay incentive, in addition to regular earnings, for employees who receive a qualifying certification or accreditation exceeding the minimum employment qualification required by the job.

Eligible employees are required to provide to their supervisor proof of eligibility (certificate). The supervisor will be required to provide Human Resources a copy of the certificate along with the Status Change Form, signed by the Department Director in order for the certification pay be added to payroll. All paperwork must be submitted to Human Resources within three (3) pay periods of the employee being hired or receiving the proof of eligibility for certification or specialty pay in order for payment to be retroactive. Documentation provided after that time period will not be retroactive and will begin with the current pay period.

If the certification, or accreditation, requires renewal and the employee fails to renew the certification and turn in the paperwork, the certification pay will expire until proof of renewal is received in Human Resources.

An employee is NOT eligible for certificate pay if: 1) the certification is a minimum requirement of the position as listed in the job description; or 2) the certification has no value to the position. For example an employee starts in the Water department, obtains the Class C license and then transfers to the Parks department. The certificate pay will stop with the transfer because the license now has no value to the position.

Police Department

Intermediate Peace Officer Certification	\$ 50 per month
Advanced Peace Officer Certification	\$ 100 per month
Master Peace Officer Certification	\$ 150 per month
Field Training Officer	\$1.50 per hour of FTO

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The monthly paid amount is the highest level obtained. It is not to be combined with the previous levels. Field Training Officer pay is separate and only eligible when an officer is assigned as a Field Training Officer and paid only on actual hours worked in Field Training.

Fire Department

Intermediate Fire Certification	\$ 50 per month
Advanced Fire Certification	\$ 100 per month
Master Fire Certification	\$ 150 per month
Arson Investigator/Peace Officer	\$ 150 per month
Paramedic Certification	3% of salary - patch 6% of salary - assignment/rotation

Monthly paid amount for Fire Certification is the highest level obtained. It is not to be combined with the previous levels. Arson Investigator/Peace Officer is a separate certification. Paramedic Certification consists of 2 levels. If assigned to the ambulance employee is eligible to receive 6% of salary in addition to certifications listed above. If not assigned to ambulance but the employee continues to maintain certification will receive 3% of salary in addition to certifications listed above.

Water/Wastewater

Class C Water or II Collections	\$ 25 per month
Class B Water or III Collections	\$ 50 per month
Class A Water	\$ 75 per month

The monthly paid amount is the highest level obtained. It is not to be combined with the previous levels. If certificate/license is a minimum requirement of the position as specified in the job description, the employee is not eligible for the certificate pay.

Parks/Recreation

ISA Certified Arborist Municipal Specialist	\$ 75 per month
Certified Playground Safety Inspector	\$ 100 per month

Municipal Court

Municipal Court Clerk Level II	\$ 50 per month
Municipal Court Clerk Level III	\$ 150 per month

The monthly paid amount is the highest level obtained. It is not to be combined with the previous level.

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POLICY TITLE: BILINGUAL PAY

DEPARTMENT: Human Resources

Policy Chapter: Employee Compensation and Benefits

Section Number: HR 3.07

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to establish guidelines regarding bilingual skill certification pay for eligible employees. Employees who frequently use bilingual skills to enhance the performance of position duties to better serve citizens of the City of Duncanville may qualify for this benefit.

POLICY:

This policy is applicable to all regular full time and part time employees in departments that have demonstrated a need for bilingual speakers and translators.

There are two competency levels.

- Conversational – can successfully converse in the language
- Fluent – can successfully converse, read, and write the language

ELIGIBILITY

A. The Department Director will identify positions and/or persons eligible to receive any level of bilingual pay within their department when:

1. The possession of the bilingual skill is beneficial in the performance of the employee's and/or department's duties.
2. The normal work station of the qualifying employee is such that he or she is reasonably available to employees and citizens needing assistance to translate from English to another language; or vice versa when called upon to do so.
3. The secondary language is used by any group constituting at least 10% of the residents of the City of Duncanville. Other languages will be considered by the Human Resources Manager on a case-by-case basis on recommendation of the Department Director.

B. Employees in positions eligible to receive Bilingual Pay must achieve a passing score in a testing process established to measure proficiency.

1. Testing requirements for Bilingual Pay will primarily involve verbal, reading and written language skills and translator ability.
2. All testing will be done by an independent consultant selected by the City of Duncanville.

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3. The City will pay for the employee's first bilingual language certification test. The employee must pay the cost of any subsequent attempts to be certified.
4. Arrangements to take the certification test must be made through the Human Resources Department.

GUIDELINES:

- Any employee receiving Bilingual Pay is expected to assist other non-bilingual employees in the translation of documents and assistance of the public. Assistance may be required for other departments or areas that extend beyond the employee's normal scope of responsibilities.
- An employee receiving Bilingual Pay who declines reasonable assistance to non-bilingual employees or assistance to the public may have their Bilingual Pay revoked at the discretion of the Human Resources Director.
- Bilingual Pay for Fluent level may be discontinued if the employee is re-assigned to a position where the skill will not be used or if the functions of the position no longer require the skill.
- Each department is responsible for evaluating the need for bilingual skills on a periodic basis and contacting Human Resources should those needs change.
- An employee receiving Bilingual Pay may be asked periodically to retake the proficiency test. Bilingual Pay may be discontinued if a passing level of proficiency is not maintained.
- The Human Resources Department may periodically conduct a random sample of the positions and screen incumbents to ensure the continued need for additional bilingual skills and that employees remain proficient in those skills. Any costs associated with random skills assessments will be paid by the City.
- Determinations regarding an employee's eligibility for Bilingual Pay may be appealed to the Human Resources Director whose decision will be final.
- There is no additional compensation for certifications in multiple languages.

PROCEDURES:

- A. Application for Conversational Level:** The Department Director will submit in writing to Human Resources, as needed, the name of the employee eligible for bilingual pay. The employee must meet all the necessary eligibility requirements above to be considered.
- B. Application for Fluent Level:** The same procedure applies as in letter A above. However, in addition, the Department Director will need to justify the reasoning for higher level of competency. The reasoning must tie into the department's need for a higher level; such as reading and writing the language for official documents. The Human Resources Director will review.
- C. Testing:** The Human Resources Department will arrange for the employee to take the competency exam(s). Successful completion of the exam will result in the employee receiving Bilingual Pay effective the first pay period of the month following the exam. Bilingual Pay will not be retroactive.

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Levels of Bilingual Pay	Monthly Pay for Full & Part Time
Conversational – (ability to successfully converse)	\$ 25
Fluent – (ability to converse, read and write the language)	\$ 50

Note: Amounts above will not be combined. Monthly pay is based on the highest level certified.

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POLICY TITLE: OUT OF CLASS "ACTING" PAY	
DEPARTMENT: Human Resources	
Policy Chapter: Employee Compensation and Benefits	Section Number: HR 3.08
Approved Date: 12-28-2016	Approved By: 
Effective Date: 01-01-2017	
Revision Date: 10-01-2020	

PURPOSE:

The purpose of this policy is to outline the guidelines to receive acting pay.

POLICY:

For general employees, acting pay issues will be overseen by the Human Resources Director, with prior approval from the Department Director. All regular full-time and part-time employees will be eligible for compensation above the employee's regular salary while performing the task and functions of the job description of a higher position. Employees eligible for acting pay will receive pay equal to 5% of their current salary or minimum starting pay of that position, whichever is higher. Eligible employees will receive acting pay when the following criteria have been satisfied:

1. An employee will fill the duties of a higher position for more than 30 calendar days consecutively.
2. An employee will assume ALL the duties of the higher position.
3. A request has been submitted to the employee's Department Director in writing and approved.

Under no circumstances will an employee be paid for performing the functions of a job in a lower class or deem themselves eligible for out of class pay.

If the "Acting" position should require call-back and/or on-call status, cell phone allowance, etc., the procedures in those respective policies will apply.

NOTE: Interim pay status promotions, which are an acting situation and can be of longer endurance, may result in a 5% increase only (versus the minimum pay of the higher level position) IF the incumbent does not possess all of the requirements for the higher position at the time the interim status begins.

The Department Director must submit a Status Change Form for the acting pay to be in effect and another one when the acting pay will cease.

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POLICE AND FIRE:

For Civil Service Police and Fire, employees are eligible for “Step-Up” pay when a lesser ranked employee must step-up into a higher classification temporarily. Temporary is usually defined as one full shift or less when the higher ranked employee is unavailable during the shift. Compensation is the difference between the employee’s current rate of pay and the rate of pay on the first step of the next higher rank. Please see the Police and Fire Department’s rules and procedures for further information.

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POLICY TITLE: WORKER'S COMPENSATION & SALARY SUPPLEMENT

DEPARTMENT: Human Resources

Policy Chapter: Employee Compensation and Benefits

Section Number: HR 3.09

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To describe the Workers' Compensation Program and the procedures to follow when workers' compensation insurance may apply and the Workers' Compensation salary supplement which can make up the difference between workers' compensation payments and the employee's basic take home pay, excluding overtime, shift differential, etc.

POLICY:

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

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it must be reported. Neither the City nor the workers' compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's participation in an off-duty recreational, social, or athletic activity sponsored by the City or for outside employment.

Time off on workers' compensation leave will not be counted as actual time worked for the purposes of determining overtime. Employees who have sustained a covered accident or illness may also be eligible for FMLA leave. FMLA will run concurrent with workers' compensation leave. See *Policy 4.11 Family and Medical Leave* for more information. For additional information on workers' compensation, visit the Texas Workers' Compensation Commission online at <http://www.tdi.gov/wc//indexwc.html> or contact Human Resources.

MEDICAL TREATMENT

In order to receive medical benefits under Worker's Compensation, the employee must use the City's occupational health provider, a physician referred by the City's occupational provider, or a physician referred by Texas Municipal League Intergovernmental Risk Pool unless hospital emergency room treatment is necessary. If hospital treatment is necessary, subsequent outpatient care shall be with the City's occupational health provider or physician referred by the Texas Municipal League Intergovernmental Risk Pool.

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NOTE: Medical treatment appointments should be scheduled outside the scope of working hours. If they happen to be scheduled during work hours, employees must use their benefited time (sick, vacation, etc.).

SALARY SUPPLEMENT

The City offers a salary supplement option for an employee who sustains an injury on the job. Employees who use the City's occupational health provider and receive Temporary Income Benefits (TIB) from the City's Worker's Compensation insurance carrier may receive 100% salary supplement from the City for up to sixty (60) calendar days from the original date of the injury. After sixty (60) calendar days, and if the injured employee requires additional leave, the City will supplement up to 75% of the employee's salary and the employee may elect to use sick and vacation leave for the remaining 25% for full pay. If 120 calendar days from the original date of injury and the employee is still unable to work, the employee may elect to use sick and vacation leave to continue the salary supplement. For Civil Service employees, Local Government Code §143.073 will apply.

A. Texas Workers' Compensation Act

When an employee is injured within the course and scope of their employment for the City of Duncanville, the employee is eligible for Workers' Compensation payments pursuant to State Law. Workers' Compensation pays for:

- Reasonably required and necessary medical treatment.
- A statutory amount, based on the employee's average weekly wage of weekly benefits in lieu of salary for inability to work due to an on-the-job injury or occupational illness.
- Additional monetary benefits for permanent disability suffered as a result of the on-the-job injury or occupational illness.
- Death benefits.

Workers' Compensation entitlements are subject to being denied or discontinued based on the following grounds covered in the Texas Workers' Compensation Act:

- The injury occurred while the employee was in a state of intoxication or under the influence of illegal drugs.
- The injury was caused by the employee's willful intention to attempt to injure him or herself or to unlawfully injure another person.
- The employee's horseplay was the cause of the injury.
- The injury arose out of voluntary participation in an off-duty recreational, social, or athletic activity not part of the employee's work-related duties, except where these activities are a reasonable expectancy of or are expressly or implicitly required within the scope of the employee's job duties.

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As provided by law, Workers' Compensation benefits are subject to a seven (7) calendar day waiting period. Employees will begin earning Workers' Compensation weekly benefits after the seventh calendar day of an on-the-job injury that requires absence from work. Covered employees who are absent from work due to an on-the-job injury for less than seven days will be on the payroll in workers' compensation supplement pay status.

An employee may select a physician of their own choice to administer treatment in connection with the on-the-job injury. However, City salary supplement and Workers Compensation benefits will only be provided when using the City's occupational health care provider or a physician referred by the Texas Municipal League, unless hospital emergency room treatment is necessary.

B. Temporary Income Benefits

Temporary Income Benefits (TIB) will be paid weekly by the City's Workers' Compensation carrier beginning on the eighth (8th) day of lost time injury leave and will continue until the employee reaches Maximum Medical Improvement (MMI). TIB is paid at the rate of approximately 70% of the injured employee's average weekly wage. This will result in the employee receiving approximately 85% of gross pay because TIB are not subject to income and social security tax. The City continues to supplement the injured worker's salary so that there is no reduction in pay. Therefore, the supplemental check received from the Texas Municipal League (TML) may need to be endorsed by the employee and turned in to Human Resources. Please consult with Human Resources for more information.

C. Salary Supplement Rules

Salary supplement payments may be suspended or forfeited at any time for the injured employee's failure to comply with City policies, procedures or directions. The following list contains examples, but is not limited to, grounds for suspension or forfeiture of salary supplement payments:

- If the employee engages in work, whether part time or as a volunteer, while off work from the city.
- If the employee is terminated or resigns for any reason.
- If the employee fails or refuses to comply with instructions or the advice of the workers' compensation treating physician.
- If the employee fails to act in a manner consistent with being off work convalescing.
- If workers compensation indemnity payments are stopped.
- If the employee refuses to accept or perform a different or light duty job with the city that is within the employee's physical capacity and for which the employee is able, qualified, and/or could be trained.
- If the employee refuses to submit to any independent medical examination or treatment in accordance with the Texas Workers Compensation Statute.
- If the employee refuses to return to regular duty after being released by the treating physician. Note: If the employee disagrees with the workers' compensation treating physician, the employee may seek a second opinion with another workers' compensation primary physician.

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- If the employee fails to report the injury within twenty-four (24) hours without good cause for the delay as determined by Human Resources.
- If the employee fails to keep Human Resources informed on a weekly basis as to the status of the injury when off work receiving Workers' Compensation payments.
- If the employee refuses to cooperate with Human Resources in ascertaining facts, information, and requests concerning the status of the injury.

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POLICY TITLE: EMPLOYEE GROUP BENEFITS

DEPARTMENT: Human Resources

Policy Chapter: Employee Compensation and Benefits

Section Number: HR 3.10

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to outline the various group benefit coverages available to eligible employees.

POLICY:

The City of Duncanville offers a wide variety of insurance coverages and benefits to eligible employees. Eligible programs may vary from fiscal year to fiscal year due to availability of funds and coverage options. Benefit eligibility is dependent upon a variety of factors, including employee classification and the number of hours worked on a continual basis. The Human Resources Department can identify the eligible programs.

The following group benefits are available to eligible employees:

- Medical and Prescription Insurance
- Life Insurance
- Long-Term Disability
- Employee Assistance Program
- Workers' Compensation Insurance (see Policy 3.09)
- TMRS Retirement Plan (see Policy 3.12)
- COBRA (see Policy 3.11)

Voluntary Benefits available – 100% employee paid through payroll deduction:

- Dependent Medical and Prescription Insurance
- Supplemental and Dependent Life Insurance
- Accidental Death and Dismemberment
- Flexible Spending Accounts – Unreimbursed Health and Dependent Care
- Deferred Compensation – 457 Plan
- Payroll Roth IRA
- Dental
- Vision
- AFLAC products

For further information about these group benefits please see the employee benefits booklet.

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POLICY TITLE: CONTINUATION OF COVERAGE - COBRA

DEPARTMENT: Human Resources

Policy Chapter: Employee Compensation and Benefits

Section Number: HR 3.11

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

POLICY:

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan. Copies of the plan documents can be found in Human Resources and the city website.

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POLICY TITLE: RETIREMENT - TMRS

DEPARTMENT: Human Resources

Policy Chapter: Employee Compensation and Benefits

Section Number: HR 3.12

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

POLICY:

The City of Duncanville is a member of the Texas Municipal Retirement System (TMRS), which is governed by the State of Texas legislature. Participation in the system is mandatory for all regular full-time employees and regular part time employees working the number of hours required by TMRS. Employee contributions to the System will be deducted from each paycheck.

Employees who plan to retire must notify their Department Director and the Human Resources Department in writing at least one (1) month before the planned retirement date, if possible.

A. Eligibility for Enrollment

At the time employment begins, all eligible employees are enrolled in the TMRS pension plan. Employees in the following employment classifications participate in TMRS:

- Full time employees
- Employees in positions budgeted to work 1,000 or more hours a year on an ongoing basis.

B. Contributions

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

1. Contributions to TMRS are mandatory for eligible employment classifications described above.
2. Currently, the employee contributes 7% of their earnings each pay period. The contributions are tax deferred and made through payroll deduction. Vesting generally occurs five (5) years after the first contribution.
3. Currently, the City's contributions are approximately 2 to 1.

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C. Interest Earnings

Employee deposits earn interest on an annual basis, credited to the employee's account each year on December 31st. Prorated interest occurs only during the year in which the employee retires.

D. Benefits at Retirement

1. Generally, employees may retire after 240 months (20 years) of TMRS credit, regardless of age. Military Service or previous government, including public education and school districts, employment may contribute time credit toward retirement.
2. TMRS benefits will be based on years of service, salary, the employee and City contributions to the account, and the retirement option selected.
3. Employees must contact the Human Resources Department at least one (1) month before the planned retirement date to allow for completion of paperwork. For more information visit www.tmrs.org or call TMRS at 1-800-924-8677
4. An employee who retires from the City with at least five (5) years current, continuous full time employment is eligible to continue health insurance coverage as provided by the City's group health insurance carrier at the retiree premium rate. The retiree is not eligible to continue health insurance coverage with the city if eligible for other group health insurance coverage. An employee who retires with at least five (5) years of continuous employment may also elect to continue dental and/or vision insurance coverage at the employee rate. The retiree is responsible for remitting the amount of the premium at the time specified to the City. If the retiree fails to remit the required amount to the City at the time required, the coverage will terminate and medical, dental, and vision insurance coverage will cease.
5. Eligibility for participation in the City's group insurance plan will cease if the retiree becomes eligible for another employer's group plan. The retiree is required to notify the City of medical insurance benefits provided by other group insurance. If a retiree fails to disclose evidence of medical insurance benefits provided by another group plan, the retiree's eligibility and enrollment shall be terminated immediately.
6. Participation in the City's health insurance program ceases upon the date of eligibility for Medicare for the Retiree and dependents unless otherwise stipulated.
7. To be eligible for retiree health coverage the employee must inform Human Resources, no later than the day on which the person retires from the City that continued coverage is desired.
8. Dependents that are on the City's medical plan at the time of retirement may be maintained on the retiree medical plan. Retirees may not add dependents to insurance after retiring. In the event the retiree dies or becomes eligible for Medicare, the dependent may choose to

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remain on the City's medical plan until they reach Medicare eligibility or have access to other insurance.

9. The City reserves the right to change this benefit and/or eligibility criteria at any time at the City's discretion. The policy is not intended to be a contract. Benefit changes to the City's group medical plan shall apply to retirees enrolled in the group plan.
10. Once participation in the City's retiree insurance plan has been terminated for any reason, it shall not be reinstated.

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POLICY TITLE: SWAT Hazardous Stipend

DEPARTMENT: Human Resources

Policy Chapter: Employee Comp & Benefits

Section Number: HR 3.13

Approved Date: 10-01-2019

Approved By: 

Effective Date: 10-01-2019

Revision Date:

PURPOSE

As approved by City Council, this policy is to institute a training/duty pay for specially trained Police Officers and Fire Medics who are members of the Special Weapons And Tactics (SWAT) team.

ELIGIBILITY

To be eligible for the SWAT Hazardous Stipend, you must:

1. Be designated Police Officers and Fire Medics who are trained members of the SWAT team, to include Police Negotiators.
2. SWAT team members will not be eligible for stipends until they are trained for deployment, and proper status change paperwork has been forwarded to the respective department's executive assistant, administration and HR, from the SWAT Commander.
3. Likewise, when an employee is no longer part of the SWAT team, including Police Negotiators, status change forms will immediately be generated by the SWAT Commander to the respective department's executive assistant, administration, and HR.

POLICY

1. This Stipend would cover:
 - General SWAT Training (Team Training, Firearms Accuracy Training, Fitness Training, Etc.).
2. Offers a \$150.00 per month Stipend to be applied to the eligible member's time sheets on a monthly basis.

This Stipend does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, bonuses, benefits based on a percentage of salary, etc.

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POLICY TITLE: RETENTION & STABILITY BONUS

DEPARTMENT: Human Resources

Policy Chapter: Employee Comp & Benefits

Section Number: HR 3.14

Approved Date: 04-17-2018

Approved By: 

Effective Date: 04-17-2018

Revision Date: 10-01-2020

PURPOSE

The purpose of this policy is to allow for a discretionary retention bonus to be given to classified police officers during periods when significant staffing vacancies create additional [hardships] on current officers within the police department. This policy may be implemented when staffing levels are deemed inadequate AND with the recommendation of the Chief of Police and the City Manager's approval.

ELIGIBILITY

To be eligible for the retention bonus, you must:

4. Be a classified officer under the City classification ordinances, and
5. Employed by the City with at least one (1) consecutive year as classified officers as of October 1 of the current fiscal year

POLICY

3. *Adequate staffing threshold* is defined as four (4) vacancies or less. If vacancies exceed four or more classified position, this policy [may] be implemented upon recommendation of the Chief of Police and with City Manager's approval.
4. Newly authorized and funded positions from the previous fiscal year shall not be counted as vacant positions for the first twelve (12) months following City Council authorization
5. Calculation of Bonus
 - A. Bonuses may be paid by October 31 of each year, following the completion of the previous fiscal year ending September 30, if the annual average number of vacancies exceeds four (4) authorized and funded classified positions. To determine if a bonus is payable per the adequate staffing threshold, the average number of vacancies per quarter will be considered. Bonuses will be paid from cost savings incurred during the previous fiscal year. Cost savings will be calculated as follows:
 - a. $BONUS\ TOTAL = \frac{1}{2} (FY\ APPROVED\ BUDGET - FY\ ENDING\ ACTUAL)$. The calculation is based on all Personnel costs (salaries, benefits, overtime, vacation and sick payouts, certification pays) within all Police Department

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budget organization codes.

b. **INDIVIDUAL BONUS** = (BONUS TOTAL / NUMBER OF ELIGIBLE SWORN OFFICERS) – (Applicable TMRS and FICA Rates).

B. If awarded, eligible officers will receive a separate lump sum payment at the end of the first month following the end of the fiscal year; payable in the following month as a separate paycheck from normal payroll.

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POLICY TITLE: PUBLIC SAFETY APPLICANT REFERRAL BONUS

DEPARTMENT: Human Resources

Policy Chapter: Employee Comp & Benefits

Section Number: HR 3.15

Approved Date:

Approved By: 

Effective Date:

Revision Date: 10-01-2020

PURPOSE

The purpose of this policy is to incentivize current employees to refer an applicant to the position of Police Officer or Firefighter.

POLICY

This program authorizes a \$1000 payment to any city employee who recruits a qualified applicant for the position of Police Officer or Firefighter.

To be considered for this program a current city employee must actively recruit an applicant would meets all the minimum qualifications of a Police Officer or Firefighter.

- A. The recruited applicant will fill out an interest card for employment with the city via the City of Duncanville website on either the Police Department or Fire Department webpage. When a Civil Service Entrance Exam is announced, a "Request to Test" form will be sent to the applicant. This form will have a space for the applicant to fill out indicating if they were recruited by a city employee, and if so, the name of the employee. The applicant must fill out this information for the employee to be considered for the pay. **No other method of indicating a referral will be accepted.**
- B. Police Officer or Firefighter applicants recruited during a City sponsored event or activities, such as at a job fair or other off-site recruitment trip, are not considered recruits for the purpose of this program. Employees who participate in City sponsored recruitment activities are not eligible to receive the referral bonus for applicants recruited through this method. However employees who do participate in recruitment activities would otherwise be eligible for the program provided the recruitment was not related to a City sponsored activity.
- C. Previous employees rehired as a Police Officer or Firefighter will not be considered a recruit for the purpose of this program.
- D. Only one bonus will be paid per recruit. Only one employee may be named as the referring employee (no split or partial pays). There is no limit on the number of times an employee can recruit an applicant and become eligible for the pay. The pay is taxable income and appropriate deductions will be made.

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PROCEDURE

The referral bonus is not earned until the following have been completed by the recruit;

1. Completes interest card and Request to Test, specifying the referring employee.
2. Successfully completes all steps of the application and testing process.
3. Recruit is appointed as a Police Officer or Firefighter.
4. POLICE DEPARTMENT - Recruit successfully completes field training and is released from field training.
5. FIRE DEPARTMENT – Recruit successfully completes the probationary period and receives the necessary fire and paramedic training certifications.

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POLICY TITLE: TRAINING AND DEVELOPMENT	
DEPARTMENT: Human Resources	
Policy Chapter: Employee Comp & Benefits	Section Number: HR 3.16
Approved Date:	Approved By: 
Effective Date: 10-01-2020	
Revision Date:	

PURPOSE:

To support and promote development of all employees through education and training. To provide exceptional customer service by promoting a high standard of professionalism through the empowerment of a competent and well-trained workforce.

POLICY:

The City of Duncanville is committed to providing employees with skill development and training opportunities directed toward enhancing professional goals.

PROCEDURES

A. New Hire Orientation

On the first day of employment all employees will be oriented by Human Resources. During this orientation process employees will complete all new hire paperwork and provide required copies. Employees will also be educated on benefits provided by the City and given their open enrollment period.

It is required that the all new employees attend New Hire Orientation on their first date of employment.

B. Quarterly New Hire Orientation

Quarterly New Hire Orientation provides an opportunity to introduce new employees into the City's organization and culture. The Quarterly New Hire Orientation program consists of the new hires meeting and getting to know other new hires within the organization and an opportunity to be educated on the operations of other city departments.

This program is available to all new Full-Time employees hired within a specific quarter. The orientation will be held four (4) times a year, typically on the first Monday of: February, May, August, and November; and will be an all-day event.

New hires can expect an overview from the City Manager and Assistant City Manager, as well as the department directors of all city departments.

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C. City University Training Program

Through the City University Training Program, all employees will be provided with mandatory quarterly and yearly trainings geared towards professional development. Training courses will be assigned based on the position of the employee to better enhance day-to-day interactions. Employees will also be provided the opportunity take elective courses that align with their personal career goals.

All courses will be assigned via Human Resources and tracked within the HRIS Tyler Munis.

DEPARTMENT HEADS AND SUPERVISORS

The Department Heads and managers should ensure their employees are well trained to perform their job duties and provide exceptional service delivery. Department Heads shall prioritize trainings as required, professional development, or optional. With the approval of the Department Head or designee, a supervisor may grant leave with pay when the employee is attending a professional conference, convention or training activity.

HUMAN RESOURCES

Human Resources shall be responsible for coordinating with the City Manager's Office and Department Managers to develop, coordinate, and implement training programs and related activities throughout the City organization. Human Resources shall assist departments in developing and conducting training to meet their specific needs with the intention of increasing employee efficiency and departmental effectiveness.

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POLICY TITLE: FLEX TIME	
DEPARTMENT: Human Resources	
Policy Chapter: Employee Comp & Benefits	Section Number: HR 3.17
Approved Date:	Approved By: 
Effective Date: 10-01-2020	
Revision Date:	

PURPOSE:

To provide employees with Flex Time work schedules where such arrangements can be designed to benefit both the City and the employee while maintaining or improving City of Duncanville operations and service delivery.

POLICY:

At the discretion of the Department Head, employee flex time schedules may be allowed within a two (2) week pay period. For FLSA Non-Exempt employees this must not result in overtime being earned within the pay period where flex time is allowed.

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POLICY TITLE: VACATION LEAVE	
DEPARTMENT: Human Resources	
Policy Chapter: Leaves of Absence	Section Number: HR 4.01
Approved Date: 12-28-2016	Approved By: 
Effective Date: 01-01-2017	
Revision Date: 10-01-2020	

PURPOSE:

To provide guidelines and procedures for the accrual, use, and payment of vacation leave upon separation from employment.

POLICY:

Vacation leave with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits.

Eligible employee classification for Vacation Leave:

- Full time employees

A. Accrual

The amount of paid vacation leaves that full-time employees receive each year increases with the length of their employment as shown in the following schedule:

1. **City Manager:** Accrual amounts will be based on the language in his/her contract.

2. **Full-Time General Employees:**

Maximum Balance	Accrual Rates per Pay and Month	Length of Service
160 hours	3.33 hours per pay 6.66 hours per month	0 years – completion of 4 th year
240 hours	5.00 hours per pay 10.00 hours per month	Beginning of 5 th year – completion of 9 th year
320 hours	6.66 hours per pay 13.32 hours per month	Beginning of 10 th year +

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3. Police and 8-hour day Fire Classified Employees – Civil Service:

Maximum Balance	Accrual Rates per Pay and Month	Length of Service
240 hours	5.00 hours per pay 10.00 hours per month	0 years – completion of 8 th year
320 hours	6.66 hours per pay 13.32 hours per month	Beginning of 9 th year +

4. Fire Department Classified Employees - 24 hour shift Civil Service:

Maximum Balance	Accrual Rates per Pay and Month	Length of Service
360 hours	7.50 hours per pay 15.00 hours per month	0 years – completion of 8 th year
480 hours	10.00 hours per pay 20.00 hours per month	Beginning of 9 th year +

B. Accumulation

Vacation accrual begins with the employee's first pay period as a new hire.

Employees who reach the maximum balance shall cease to accrue time until the balance has been reduced below the maximum balance.

During the payroll process, leave time is taken first from the balance and then the accrual is added. Therefore, leave cannot be taken in advance of the accrual. If during the payroll process there is an insufficient balance of leave, other eligible leave will be substituted if possible; otherwise leave without pay will be given.

C. Scheduling and Using Accrued Leave

Employees must submit a request, in writing, via email or leave request form, to their supervisor for vacation leave in advance of taking leave. Each department shall set, based on operational and scheduling needs, how far in advance requests should be made. Approval will be made based on a number of factors including business needs, staffing requirements, and seniority of employees. Paid holidays occurring while an employee is on approved vacation will not be charged to vacation leave.

Vacation leave accruals may not be used prior to the completion of the employee's initial probationary period unless permission is granted by the Department Director and Human Resources.

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Vacation leave will not be included as actual hours worked for the purpose of determining overtime.

D. Payment upon Separation

1. Employees will be paid for unused, earned vacation, through their last day of work, on the final paycheck.
2. If an employee leaves the City for any reason during their initial six (6) month probationary period, vacation accruals will not be paid out. Police and Fire Classified Civil Service employees can have a probationary period up to eighteen (18) months and therefore will be paid out unused vacation accrual upon termination.

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POLICY TITLE: SICK LEAVE

DEPARTMENT: Human Resources

Policy Chapter: Leaves of Absence

Section Number: HR 4.02

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020; 02-03-2022

PURPOSE:

To identify the guidelines and procedures regarding the accrual, use, and payment of sick leave.

POLICY:

The City of Duncanville provides paid sick leave benefits to eligible employees for periods of temporary absence due to illness or injury of the employee or immediate family member, as defined in section C of this section.

Eligible employee classification for Sick Leave:

- Full time employees

NOTE: This policy does not cover sick time leave for part-time employees; however, the general procedure in Section D.) Schedule and using Leave (Subsections 1, 2, 3 & 5) should be followed for part-time employees who cannot report to work on their scheduled days of work.

A. Accrual

2. City Manager – Accrual amounts will be based on the language in his/her contract.
3. Full-Time General employees earn 96 hours per year of sick leave, accrued at a rate of 8 hours per month.
4. Police Department Classified Civil Service employees and Fire Department Classified Civil Service employees on 8 hour day shifts earn 120 hours per year of sick leave, accrued at a rate of 10 hours per month.
5. Fire Department Classified Civil Service employees on 24 hour shift earn 180 hours per year, accrued at a rate of 15 hours per month.

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B. Accumulation

1. Sick leave shall begin to accrue effective the first day of employment.
2. Sick leave accrual is unlimited for Police and Fire Civil Service employees per Local Government Code §143.045(b).
3. Sick leave accrual is unlimited for general employees per policy change in February 2022.

C. Uses of Sick Leave

1. Personal Illness: Permissible uses of sick leave are personal illness, injury, and routine doctor appointments that cannot be reasonably scheduled during non-working hours.
2. Family Illness: Employees may use sick leave when necessary for the care of an ill or injured parent, spouse, or child as defined below.
3. Sick leave absences of three (3) consecutive days or more, or due to an ongoing medical condition, for either a personal illness or a family illness may be subject to FMLA. The process to determine FMLA eligibility will be initiated and further documentation may be required. Please see *Policy 4.11 - FMLA* for further information.
4. While on Vacation: Employees who become ill during vacation leave may request the time be charged to sick leave with a doctor's statement.
5. While on Unpaid Leave of Absence: Employees on approved personal leave of absence without pay will not be allowed to convert leave time to sick leave status.

DEFINITIONS:

Child: A biological, adopted, or foster child, stepchild, legal ward, or child of a person standing in *loco parentis* (in place of parent) who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary.

Eligible Family Member: Employee's child, stepchild, adult child, parent, stepparent, or, spouse.

Parent: The biological parent of an employee or an individual who stood in *loco parentis* (stood in as a parent) to an employee.

Spouse: A husband or a wife as defined or recognized under state law for purposes of marriage. Common law marriage shall require presentation of a certified copy of the Declaration of Informal Marriage.

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D. Scheduling and Using Leave

1. Employees who are unable to report to work due to illness or injury must notify their immediate supervisor before the start of the work day or as may be prescribed by departmental policy by calling the telephone number(s) preferred by the supervisor. The immediate supervisor must also be contacted on each additional day of absence, unless absence is due to an extended illness as documented by a doctor or FMLA paperwork.
2. The City may, at any time, require an employee to provide a physician's proof of personal illness or illness of an eligible family member (as defined above) upon claim of sick leave. To be compliant with HIPAA regulations, only Human Resources will be allowed to obtain physician documentation. Employees should be directed to Human Resources to discuss and provide the requested information.
3. A physician's statement of release is required before returning to work after any surgery or procedure when recovery, including prescribed medication, could interfere with or impair job performance. Supervisors may request a physician's note of release if absence is continuous for more than three (3) working days.
4. Under no circumstances shall sick leave be used in advance of accrual.
5. At the discretion of the supervisor, employees who are deemed unable to satisfactorily perform their job due to illness or injury may be sent home by the supervisor with loss of sick leave.
6. Sick leave will not be included as actual hours worked for the purpose of determining overtime.

E. Misuse of Sick Leave

The misuse of the sick leave benefit is grounds for disciplinary action up to and including termination. The misuse or abuse of sick leave is characterized by a pattern of behavior, such as but not limited to the following examples:

- Misrepresenting a physical illness in order to use sick leave.
- Falsifying healthcare provider notices or reports.
- Frequent patterns of sick leave use such as using sick leave before or after holidays, or Mondays and Fridays.
- Using sick leave as it accrues

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F. Payment upon Separation

1. City Manager – Payment upon separation will be based on the language in his/her contract.
2. General employees are not eligible for payment of unused sick leave upon separation of employment.
3. Sick leave is not eligible to be used during the final two weeks of employment when an employee has resigned or otherwise given notice of resignation. This shall not apply to an employee ending employment caused by a disability or exhaustion of medical leave.
4. Police Department Classified Civil Service employees and Fire Department Civil Service 8 hour day employees shall receive sick leave payout, payable on final check, up to a maximum of 720 hours in accordance with state law.
5. Fire Department Classified Civil Service 24 hour shift employees shall receive sick leave payout, payable on final check, up to a maximum of 1080 hours in accordance with state law.

G. Part-time Employees

1. This policy does not cover sick time for part-time employees; however, the general procedures in Section D.) Scheduling and Using Leave (Specifically subsections 1, 2, 3 and 5) should be followed for part-time employees who cannot report to work on their scheduled days.

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POLICY TITLE: HOLIDAY LEAVE

DEPARTMENT: Human Resources

Policy Chapter: Leaves of Absence

Section Number: HR 4.03

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date(s): 01-01-2019; 10-01-2020

PURPOSE:

To identify the City's observed holidays and to establish the procedures used for holiday leave.

DEFINITIONS:

- **Civil Service Classified Employees** – Full-time Police and Fire Department employees who are identified as civil service classified per the Texas Local Government Code Section 143.
- **Municipal Employees** – Full-time non-civil service classified employees.

POLICY:

This policy identifies what holidays are observed by the City of Duncanville; to whom holiday leave applies; how holiday time is accrued and to be used; and outlines the procedures for the additional birthday holiday.

Holiday leave applies to all full-time employees and it will not be included as actual hours worked for the purposes of determining overtime.

A. Observed Holidays

The City of Duncanville observes 10 official holidays during the year plus 1 birthday holiday. The holidays and dates observed are:

New Year's Day	Labor Day *
Martin Luther King Day	Thanksgiving (Thursday & Friday)
Good Friday	Christmas Eve
Memorial Day	Christmas Day
Independence Day	Birthday Holiday

*In compliance with the Texas Local Government Code section 142.0013, classified firefighters shall receive a holiday designated as September 11 in lieu of Labor Day.

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B. Holiday Pay

Holiday pay will be calculated based on the employee's pay rate as of the date of the holiday. Civil service classified Fire 24-hour shift employees will receive (12) hours of holiday leave for each observed holiday for a total of 120 hours. All other eligible employees will receive (8) hours per observed holiday. For municipal employees, holiday leave will be pre-populated on their Executime timesheets during the pay period in which each holiday occurs.

Municipal employees must work the last scheduled day immediately before and the first scheduled day immediately after the holiday to be eligible for pay; except when other leave has been previously approved by Department Director or designee; For example, vacation leave or extended medical (FMLA) documented leave.

C. Holidays on a Day Off

1. On the Weekend: If a recognized holiday falls on a Saturday, the Friday before will be observed as the official city holiday. If a recognized holiday falls on a Sunday, the Monday after will be observed as the official city holiday.
2. During Vacation Leave: Holidays that occur during a scheduled paid vacation time will be paid as holidays and will not be charged to vacation day.
3. During Sick Leave: An employee on FMLA approved leave will receive holiday pay in accordance with this policy.
4. Due to Suspension: If an employee is suspended without pay on the previous day, day of, or day after the observed holiday, the employee is not eligible for a paid holiday.
5. Due to job related absence: If an employee is off due to a workers' compensation injury or illness, and on full-pay by the city, the employee will receive holiday credit for that day.
6. Unplanned day off: This point only applies to municipal employees who are eligible for holiday leave. If an employee calls in sick the day before or after the holiday, sick time will be used for the holiday and they will not be given holiday leave. If an employee calls in with an emergency and therefore uses emergency leave time, the employee must use emergency leave time or other personal time such as vacation for the holiday. Holiday leave will not be given.

D. Working on a Holiday - This section applies to municipal employees only (Non-Civil Service):

If an employee works on a holiday, whether scheduled, emergency call back, or special event; the employee will receive the full 8-hour holiday pay in addition to actual hours worked on the holiday.

- Examples: an employee who works 8 hours for a special event will receive 8 hours of regular pay plus 8 hours of holiday pay. As another example, an employee who works 2 hours for an emergency call will receive 2 hours of regular pay plus 8 hours of holiday.

Municipal employees will not be allowed to bank holiday time.

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Overtime pay at the 1.5 rate is only applicable to total worked hours over 40 in a 7-day period (Sunday – Saturday). Please see *Policy 3.02 Overtime* for further information.

E. HOLIDAY LEAVE FOR CIVIL SERVICE CLASSIFIED EMPLOYEES

- Holiday leave will immediately be available upon hire; however, the total number of holiday leave hours will be prorated for that year based on when the newly hired employee begins employment and how many observed holidays have passed in the year.
- For all others, holiday time will be given to each eligible employee on January 1st of each year. Police and Fire non-shift employees will receive 80 hours of holiday time. Fire 24-hour shift employees will receive 120 hours of holiday time.
- An employee will not be eligible to take holiday time unless the employee has an equal amount of vacation accrual, or the holiday has been observed/occurred.
- Police and Fire shift employees must first use eligible holiday time for scheduled time off instead of using other accruals. It is the supervisor's responsibility for managing the use of holiday leave for their direct reports and to carefully review and approve timesheets accordingly.
- For Police and Fire employees who are assigned to the Police Academy/Paramedic School and/or who are in Field Training:
 - If required to work on a city observed holiday, they will get paid for working the holiday (100-Regular Hours pay code) and they will also get paid for the holiday (326-Banked Holiday Hours pay code). Both pay codes should be entered on their timesheet.
 - If they are off on the city observed holiday (e.g., the Academy/School is closed), the holiday pay code (326-Banked Holiday Hours) should be entered on their timesheet.
- Moving forward, all annually given holiday time must be used by December 31st of each calendar year or the remaining holiday leave time will be forfeited by the employee in the payroll which includes December 31st of the year.

NOTE: Civil service classified employees who have any banked holiday leave time (that was accrued prior to January 1, 2019) remaining as of December 31, 2019, will be paid out in full for this batch of unused, banked holiday leave time. The payout will not include any holiday leave time accrued in 2019. The payout will occur in the payroll period which includes December 31, 2019.

NOTE: The front-loaded distribution of holiday leave time is a benefit that the City has elected to provide Civil Service employees only. Management has the right to rescind or alter this policy at any time.

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E.1 Payouts and Usage

Upon separation of employment for civil service classified employees who are eligible for payout pay, any holiday time used by the employee for a holiday which has not yet occurred will be subtracted from their vacation accruals and/or any other available accruals remaining. If the employee has no other accruals available from which to subtract, the amount of holiday hours will be subtracted from their regular hours for the final pay.

F. Birthday Holiday

In addition to the ten (10) observed holidays, full-time employees will receive one (1) birthday holiday each year to be used by the employee's birthday of the following year. The accrual of the birthday holiday will be applied after the payroll period in which the employee's birthday occurs. For example, if the payroll period is February 3rd through February 16th and the employee's birthday is February 12th, the employee will not have the birthday holiday available for use until after the payroll has been processed for this pay period. The birthday holiday may be used during a new employee's six-month probationary period, if the employee's birthday occurs during that time and it has been accrued.

Employees must use their birthday holiday hours before their next birthday, or they will lose them. No employee can have more than one birthday holiday at a time. For example, if the employee's birthday is February 12, 2019 the employee must use their birthday holiday before February 12, 2020. If they do not, they lose those 8 or 12 hours and get another 8 or 12 hours for the new year.

Employees with earned, unused birthday holiday time at the time of separation from employment will be paid for 8 hours (or 12 hours for Fire shift) of regular pay on final check. All Employees (except for Fire civil service classified employees) must request leave via the Executime system and receive approval by a supervisor prior to taking birthday holiday.

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POLICY TITLE: BONUS VACATION

DEPARTMENT: Human Resources

Policy Chapter: Leaves of Absence

Section Number: HR 4.04

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To define guidelines and procedures for earning and taking bonus vacation.

POLICY:

The City of Duncanville provides a bonus of vacation days to employees who use minimal to no sick leave during their anniversary year (original hire date). The HR Department will review the employee's Sick Time History in the payroll system from the prior year's anniversary date to the current anniversary date.

Eligible employee classification:

- Full time employees

A. Eligibility

1. Employees shall receive 32 hours of Bonus Vacation if the employee uses no sick leave during his/her anniversary year.

For fire shift employees, 48 hours of Bonus Vacation will be received for no sick leave usage during the anniversary year.

2. Employees shall receive 16 hours of Bonus Vacation if the employee uses eight (8) hours or less of sick leave during his/her anniversary year.

Fire shift employees will receive 24 hours of bonus vacation for twelve (12) or less hours of sick leave usage during the anniversary year.

3. Employees who have used nine (9) or more hours, or thirteen (13) in the Fire Department, during their anniversary year shall not earn bonus vacation.

4. Worker's Compensation leave will also be factored into determining eligibility of bonus vacation.

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B. Receipt of Bonus Vacation Hours

If an employee is eligible to receive Bonus Vacation Hours, the receipt of the hours will occur after the payroll process is completed for the payroll that includes the employee's anniversary date.

C. Scheduling and Using Leave

Employees must submit a request to their supervisor in advance, as defined by department policy, to request bonus vacation leave. Approval will be made based on a number of factors including business needs, staffing requirements, and seniority of employees.

Bonus Vacation is not considered hours worked for the purposes of overtime.

Bonus Vacation hours not used prior to employee's next anniversary date will be lost.

D. Payment upon Separation

Bonus Vacation hours not used at time of employee's termination shall be paid on the final check along with other applicable leave.

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POLICY TITLE: EMERGENCY LEAVE

DEPARTMENT: Human Resources

Policy Chapter: Leaves of Absence

Section Number: HR 4.05

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To provide guidelines governing paid emergency leave for unexpected serious illness or injury, or the death of an immediate family member.

Eligible employee classification for Emergency Leave:

- Full time employees

DEFINITIONS:

Unexpected: Not a planned or scheduled event.

Serious: An illness or injury that usually requires immediate or emergency **care**. Taking a child, parent, or spouse to a planned check-up, for example is not considered an unexpected serious illness. Immediate or emergency care means the immediate family member must be seen by a physician (unscheduled). Managers may request/require documentation (e.g., paperwork from a treating physician) to substantiate the emergency leave).

POLICY:

The City of Duncanville provides up to 40 hours (60 hours for Shift Classified Firefighters) of paid leave, per calendar year, to eligible employees who miss work due to an unexpected serious illness or injury or death in their immediate family. Emergency Leave balance will not rollover from year to year and any unused leave under this section at time of termination will NOT be paid out.

Employees are eligible to take their own personal sick leave for injury or illness with parent, spouse or child, as defined in *Policy 4.02 Sick Leave*. Emergency Leave allows leave for other immediate members in addition to parent, spouse and child. **Immediate family** is defined as: spouse, domestic partner, parents, stepparents, parents-in-law, sister/brother-in-law, brothers, sisters, stepbrothers, stepsisters, children, stepchildren, grandchildren, step-grandchildren, grandparents, step-grandparents, or any relative not previously defined that depends on the employee for financial and/or medical care support that lives in the same household as the employee.

Note: An employee is not eligible to use Emergency Leave on themselves.

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A. Requesting Leave and Approval Process

The employee should notify their department supervisor of the need to use emergency leave as soon as possible.

B. Pay While on Leave

Emergency Leave pay is calculated based on the base pay rate at the time of absence. Paid time off for emergency leave will not be included as actual hours worked for purposes of determining overtime.

An employee off on approved FMLA leave may designate time as Emergency Leave in the event of a death of a family member as defined in this policy.

C. Additional or Other Bereavement Leave

Employees may, with supervisor approval, use available vacation leave for additional time off needed in the event of a death. Employees, who wish to attend a funeral for someone other than an immediate family member, as defined in this policy, may use vacation or leave without pay.

Sick leave may not be used to attend funerals.

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POLICY TITLE: JURY DUTY

DEPARTMENT: Human Resources

Policy Chapter: Leaves of Absence

Section Number: HR 4.06

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To provide guidelines governing time off for Jury Duty and required court appearances.

POLICY:

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or subpoenaed to testify as a witness in a non-city related criminal, legislative, or civil proceedings.

If an employee is subpoenaed to testify due to the employee's own criminal or civil court matter, Jury Duty leave will not be paid. Employees will be required to schedule accrued vacation, holiday, or bonus vacation if applicable; otherwise time off to testify or to attend non-work related court appearances will be considered as leave without pay.

Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as regular, actual hours worked and are not classified as paid leave.

Employees must submit the Jury Summons, Subpoena documentation or any other official summons or documentation provided by the court to their supervisor with a leave request as soon as possible so that arrangements can be made to accommodate the absence and compliance with this policy. Employees must provide a jury service document from the court upon return to work.

Employees in a "Call In" status must report to work as regularly scheduled and will be released if called in to appear in person.

Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and not included as actual hours worked toward overtime calculation in the FLSA period.

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POLICY TITLE: MILITARY LEAVE

DEPARTMENT: Human Resources

Policy Chapter: Leaves of Absence

Section Number: HR 4.07

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To define leave availability, salary continuation, and notification requirements for Military Leave.

POLICY:

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

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

Notice to City of Need for Leave. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders or notice of deployment.

To be eligible for paid military leave, employees must submit a copy of their military orders or documented dates of drills or training, setting forth the purpose of the leave and, if known, its duration. A copy of the military orders must be turned into the employee's supervisor and the Human Resources Manager as far in advance of the leave as possible.

A. PAID AND UNPAID LEAVE FOR TRAINING & ACTIVE DUTY

Full Pay For Up to 15 Days. Employees will be paid for military absences of up to a maximum of 15 work days (120 Hours) per fiscal year. Shift employees will be transitioned to a 40 hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. Armed Forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or intermittent throughout

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the year. NOTE: Some National Guard Leave requires the use of Emergency Leave first before using Military Leave Time.

Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, unused holiday leave, bonus leave) to cover their absence from work.

Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

B. ACTIVE DUTY EXCEPTION

Salary Continuation. Military Leave of Absence for deployment assignments is generally without pay; however, the City will provide a salary supplement to equal the employee's normal rate of pay. If the employee's military salary is less than their normal city salary, the City will supplement the remaining amount to equal their normal rate of pay. If the employee's military salary is more or equal to their normal rate of pay, the City will not provide any supplement or continuation of salary. In order for the employee to continue to earn benefits such as TMRS, they will be required to use at least 8 hours of leave per pay period to be considered an active, contributing member.

It will be the responsibility of the employee to provide salary documentation, upon notice of deployment orders, to Human Resources.

C. BENEFITS

The City will continue to provide employees on paid military leave City benefits as set forth in this section.

Medical. While an employee is on paid military leave the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is in an unpaid status longer than 31 days, the employee will be required to arrange for payment of insurance in order to continue coverage under the group plan. When military leave is unpaid, longer than 31 days, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

Other Benefits. While on *paid* military leave, employees will continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance (if applicable) while the employee is on *paid* military leave. Benefits, such as vacation and sick leave, do not accrue while an employee is

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on unpaid leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

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

D. RETURNING FROM LEAVE

Return to Work: A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by Uniformed Services Employment and Reemployment Rights Act (USERRA). The City shall re-employ a returning veteran according to the provisions of USERRA. Civil service employees shall be required to meet additional requirements in Chapter 143 of the Texas Local Government Code before being reinstated.

Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon length the employee's military service lasted:

1. For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.
2. For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
3. For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

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

Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

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POLICY TITLE: ADMINISTRATIVE LEAVE

DEPARTMENT: Human Resources

Policy Chapter: Leaves of Absence

Section Number: HR 4.08

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

Administrative leave can be used to relieve an employee of work-related activities pending a review, investigation or inquiry into conduct, which may subject an employee to discipline or misconduct related to employment with the City.

POLICY:

An employee who is suspected of a violation of state, federal, or local law; City ordinance; a City or departmental rule or regulation; or the City manual of policies may be placed on administrative leave with pay pending the outcome of any related administrative review, investigation and/or the imposition of management action.

Written notice of administrative leave shall be provided to the employee.

Employees placed on paid administrative leave must comply with the following guidelines:

- Be available by phone during regular business hours (Monday – Friday 8 am – 5 pm).
- Refrain from any conversation or contact with city employees regarding the administrative leave and its guidelines.
- Unless on business with the city, the employee may be asked to refrain from being on city premises or entering city facilities contingent upon the circumstances.
- Other reasonable terms or conditions may be ordered in connection with any investigation, review, or inquiry

Failure to comply with the aforementioned guidelines may result in immediate disciplinary action, up to and including termination.

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POLICY TITLE: VOTING LEAVE

DEPARTMENT: Human Resources

Policy Chapter: Leaves of Absence

Section Number: HR 4.09

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To provide guidelines governing time for voting.

POLICY:

Employees are encouraged to exercise the right to vote in all federal, state, or local elections. The employee should make every effort possible to vote outside of working hours. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours.

Upon 5 days' notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to vacation, other banked leave, or leave without pay for the period of time missed.

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POLICY TITLE: LEAVE WITHOUT PAY (LEAVE OF ABSENCE)	
DEPARTMENT: Human Resources	
Policy Chapter: Leaves of Absence	Section Number: HR 4.10
Approved Date: 12-28-2016	Approved By: 
Effective Date: 01-01-2017	
Revision Date: 10-01-2020	

PURPOSE:

To define guidelines and procedures for requesting and taking a personal leave of absence.

POLICY:

The City of Duncanville may allow a leave of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations, subject to personal demands of the employee's assignment workloads.

Eligible employee classification:

- Full time employees

This policy applies only to employees who are not currently eligible for leave (paid or unpaid) under the Family and Medical Leave Act (FMLA).

Employees may be granted unpaid leaves of absence for any purpose which has been approved by the Department Director and the City Manager. In addition, employees who need time off from work but who have no other benefit accruals (vacation, sick, birthday holiday, bonus vacation, emergency leave), may be approved for leave without pay (LWOP) subject to the approval of their Department Director.

Employees shall request unpaid leaves of absence for a minimum of two (2) weeks prior to the onset of the requested leave, other than in cases of emergency. Balanced with the department's operational needs, requests shall be evaluated on the basis of length and reason and shall not be granted if the employee has leave accruals. Unpaid leave may be granted in thirty (30) day increments for no longer than six (6) months. Employees on leave without pay for more than thirty (30) days shall not be guaranteed re-employment in their former positions. Employees on unpaid leave in excess of thirty (30) days will be terminated from any insurance benefit programs, and will be offered coverage under the provisions of COBRA. Eligibility for any benefit from the City may be suspended during periods of unpaid leave. See *Policy 3.11 Continuation of Coverage – COBRA*. Employees on unpaid leave in excess of thirty (30) days will not accrue sick and vacation benefits. See *Policy 4.01 – Vacation, Policy 4.02 – Sick Leave, Policy 4.03 – Holiday*.

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POLICY TITLE: FMLA – Family, Medical, and Military Caregiver Leave

DEPARTMENT: Human Resources

Policy Chapter: Leaves of Absence

Section Number: HR 4.11

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To establish the conditions under which an employee may request temporary leave for family and/or personal medical reasons, with job protection in accordance with the Family and Medical Leave Act of 1993 (FMLA). Leave can be with pay, if employee has enough accrued time, or without pay.

POLICY:

In accordance with the Family and Medical Leave Act of 1993, an employee may be eligible to take up to twelve (12) weeks of family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has worked for the City for twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons: birth or adoption of a child, or placement with the employee of a child for foster care (within twelve months after birth or placement); when the employee is needed to care for a child, spouse, or parent who has a serious health condition; or when the employee is unable to perform the essential functions of the position because of the employee's own serious health condition; as defined in this policy and in accordance with the FMLA.

DEFINITIONS:

Child: A biological, adopted, or foster child, stepchild, legal ward, or child of a person standing *in loco parentis* (in place of a parent) who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary.

Eligible Family Member: Employee's child, stepchild, adult child, parent, stepparent, and, spouse.

Health Care Provider: A doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner and nurse midwife, clinical social workers and physician assistants, and Christian Science practitioners. The health care provider must be certified/licensed to practice in the state in which treatment is being administered.

Parent: The biological parent of an employee or an individual who stood *in loco parentis* (in place of a parent) to an employee.

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Intermittent/Reduced Leave Schedule: A leave schedule that reduces the usual number of hours per workweek or per workday of an employee.

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

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive work days or more than two (2) fire shifts combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of this section are met.

Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, *etc.*, are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Spouse: A husband or a wife as defined or recognized under state law for purposes of marriage. Common law marriage shall require presentation of a certified copy of the Declaration of Informal Marriage.

A. Eligibility

1. Employees who have completed one (1) year of service and have worked at least 1,250 hours in the preceding twelve (12) months prior to the start of FMLA leave are eligible. All periods of absence from work due to military service are counted in determining an employee's eligibility for FMLA leave.
2. Family Leave has been expanded to provide Family and Medical Leave due to a call to active military duty. This benefit provides 12 workweeks of unpaid FMLA leave due to a spouse, son, daughter or parent being on active military duty or having been notified of an impending call to active military duty in the Armed Forces. Leave may be used for any "qualifying exigency" arising out of the service member's current tour of active military duty or because the service member is notified of an impending call to military duty in support of a contingency operation.
3. Employees who are off work in excess of three (3) consecutive work days or more than two (2) fire shifts are eligible to be placed on Family and Medical Leave if they meet the

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criteria below. An eligible employee is entitled up to twelve (12) weeks of unpaid FMLA leave for:

- a. The birth of a child and to care for the newborn child within one (1) year of birth;
- b. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- c. To care for the employee's spouse, child, adult child, or parent who has a serious health condition;
- d. A serious health condition that makes the employee unable to perform the essential functions of his or her job;
- e. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."

Exception: Twenty-six (26) workweeks of leave during a single 12-month period is available to eligible employees to care for a covered service member with a serious injury or illness, incurred in the line of active duty, if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (*see Military Caregiver Leave*).

B. Qualifying Exigency Leave

Eligible employees who are members of the Regular Armed Forces, National Guard, or Reserves are entitled to up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on covered active duty (requires deployment to a foreign country), or has been notified of an impending call to active duty status, in support of a contingency operation. A qualifying exigency is defined as:

- Short-notice deployment
- Military events and related activities
- Childcare and school activities
- Financial and legal arrangements
- Counseling
- Rest and recuperation*
- Post-deployment activities
- Parental care leave
- Additional activities not encompassed in the other categories, but agreed upon by both employer and employee

*The amount of time an eligible employee may take for Military Deployment Rest and Recuperation qualifying exigency leave is a maximum of 15 calendar days.

Required Information for Certification of a Qualifying Exigency

The City requires that the employee provide a copy of the covered military member's active duty orders and the Department of Labor (DOL) Certification of Qualifying Exigency for Military Family Leave Form to support their request for qualifying exigency leave.

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If the employee is requesting leave for Rest and Recuperation, a copy of the military member's Rest and Recuperation leave orders or other military-issued documentation of the dates of the military member's leave is required.

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member of the Armed Forces, including National Guard and Reserve members, with a serious injury or illness incurred in the line of duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, is entitled to up to 26 workweeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

The definition of covered service member includes covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness. A covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

Serious Injury or Illness for a Current Service Member

A serious injury or illness means an injury or illness incurred by a covered service member in the line of active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. This includes illnesses that existed before the beginning of the member's active duty and were aggravated by service in the line of active duty in the Armed Forces.

Serious Injury or Illness for a Covered Veteran

A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

- A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; OR
- A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR
- A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR
- An injury, including a physiological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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C. Procedures

- 1. Twelve Month Period:** The twelve (12) month period for counting Family and Medical Leave is a “rolling” 12-month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.
- 2. Employee Notification:** An employee should give at least thirty (30) days’ notice for the need to take foreseeable Family and Medical Leave, unless the need is unforeseeable, in which case, as much notice as possible should be given. A form for requesting Family and Medical Leave is available in the Human Resources Department. If it is determined that the need for Family and Medical Leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.

Failure to provide notice as required under this policy may result in disciplinary action, up to and including termination.

- 3. Department Notification:** Each department supervisor is responsible for notifying the Human Resources Department immediately when an employee is away from work for a Family and Medical Leave qualifying event (if Family and Medical Leave has not been approved), even if the employee is utilizing paid vacation or sick time, or is out due to a work-related injury. An employee using sick leave should be reported to the Human Resources Department if it is anticipated that the duration of the illness will be three (3) or more days, or two (2) or more shifts for Fire Department employees, or once the employee exceeds three (3) days, or two (2) or more shifts for Fire employees of sick leave use.
- 4. Human Resources Responsibility:** Human Resources is responsible for central administration of all requests for Family and Medical Leave. The Human Resources Department reserves the right to automatically place an employee on Family and Medical Leave if it is determined that a qualifying event has occurred. The Human Resources Department may retroactively designate the beginning date of FMLA to the beginning date of the employee’s absence for the qualifying event.

An employee shall submit a request for Family and Medical Leave to the Human Resources Department for approval. Confidential medical information will be retained by the Human Resources Department.

- 5. Substitution of Paid Leave:** FMLA law mandates that leave be given but does not mandate leave be paid. Employees can use their accrued leave, however, to continue to receive income through the duration of their FMLA approved leave. Employees will first use sick leave, then vacation leave, then holiday bank leave (if applicable). When all leave is depleted, the employee goes into unpaid leave status. Benefit accruals, such as vacation, sick leave, and holiday benefits, will be suspended during unpaid leave and will resume upon return to active employment. *The City reserves the right to count any paid leave that*

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qualifies for Family and Medical Leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.

- 6. Workers' Compensation:** In cases where the employee is eligible for workers' compensation benefits or covered under §143.073 Injury Line of Duty Illness or Injury, Family and Medical Leave shall run concurrently.
- 7. Maximum Time Allowed:** The maximum amount of Family and Medical Leave available is twelve (12) weeks during a twelve (12) month period, even if there is more than one Family and Medical Leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care for an injured service member, described below, which allows for an extended FMLA leave of 26 weeks.
- 8. Medical Certification:** The City may require medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse, or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resources Department within fifteen (15) working days. Recertification may also be required every 30 days. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position, and the expected duration of the condition. The City does not seek and should not be provided genetic information. If an employee's or applicant's genetic information is inadvertently received by the City; the City will return it to the health care provider and will not use it for any employment decision or action.

It is the responsibility of the employee to provide updates to Human Resources, if requested. Furthermore it is the responsibility of the employee to provide additional documentation or recertification if leave is to be extended beyond the original anticipated dates of incapacity (as notated on the FMLA certification form from the physician).

Upon returning to work after leave for the employee's own illness, an employee is required to provide certification to the supervisor that he or she is able to return to regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

- 9. Return to Work:** When an employee returns to work after Family and Medical Leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule.

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- 10. Effect on Married Couples:** If a City employee is married to another City employee and either or both employees request Family and Medical Leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying Family and Medical Leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.
- 11. Continuation of Insurance Benefits:** While utilizing unpaid Family and Medical Leave, an employee's insurance benefits will continue without interruption as long as the employee pays his or her portion of the insurance premiums. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.
- 12. Intermittent Leave:** When medically necessary, an employee may take Family and Medical Leave on an intermittent basis, or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.
- 13. Holidays:** Holidays will be paid in accordance with the Holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of Family and Medical Leave, whether the employee is on paid or unpaid leave.
- 14. TMRS:** Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by contacting the City's Human Resources Manager in a timely manner and completing the necessary paperwork.
- 15. Recordkeeping:** Family and Medical Leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility are calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of Family and Medical Leave.
- 16. Exempt Employees:** Paid leave accounts may be charged for less than one (1) full work day according to department policy and the salary of an exempt employee may be docked for absences of less than one (1) full work day. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.
- 17. Outside Employment:** Outside employment must be suspended if the employee is on restricted duty, workers' compensation leave, sick leave, or FMLA (if it is due to employee's own serious illness or injury).

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Extension of Leave

The City Manager has the ultimate authority to grant an extension to FMLA leave.

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POLICY TITLE: CATASTROPHIC LEAVE SHARING PROGRAM

DEPARTMENT: Human Resources

Policy Chapter: Leaves of Absence

Section Number: HR 4.12

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of the Catastrophic Leave Sharing Program is to provide employees with a possibility of obtaining additional leave to avoid loss of compensation due to a catastrophic illness or injury when the employee has exhausted all accrued paid leave and other banked leave. This temporary measure is geared towards limiting employees' economic hardships until the required elimination period is reached for Long-term Disability.

POLICY:

Eligible City employees will be allowed to voluntarily donate earned vacation leave to another City employee in the event of a catastrophic injury or illness. Eligible employees can donate vacation leave in four (4) hour increments (twelve (12) for Fire Department Shift Personnel) to City employees who are at risk of exhausting all paid leave. Eligible employees can donate a maximum of 40 hours of vacation leave (60 hours for Fire Department Shift Personnel) to each employee.

The request to allow donations on behalf of the employee must be given to the Human Resources Manager, and the City Manager must approve the request.

While donations may not be rescinded by the donor, if donations go unused, the hours will be returned to the donor's vacation balance.

ELIGIBLE RECIPIENTS

Eligible recipients are employees who suffer from a terminal illness, mortal injury, or other life-endangering event that requires hospitalization, hospice care, extensive outpatient treatment, and/or rehabilitation under the supervision of a state licensed health care provider. Serious chronic illnesses or injuries which result in intermittent absences from work may be considered catastrophic (*e.g.* cancer). Employees suffering from conditions which are short-term in nature (*e.g.* flu, measles, common illnesses, common injuries, etc.) are not deemed catastrophic.

To receive donated leave, the employee has to be close to depleting or have depleted his/her accrued sick leave and vacation leave, which will result in leave without pay status. The recipient employee should have no history of sick leave abuse.

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POLICY TITLE: FURLOUGH LEAVE

DEPARTMENT: Human Resources

Policy Chapter: Leaves of Absence

Section Number: HR 4.13

Approved Date: 10-01-2020

Approved By: 

Effective Date: 10-01-2020

Revision Date:

PURPOSE:

To establish the practices and guidelines governing the implementation and administration of a Furlough System for City of Duncanville employees.

DEFINITIONS:

Furlough: A temporary, unpaid leave due to special needs of an organization or employer, which may be due to economic conditions at the specific employer or in the economy as a whole.

Complete Furlough: A furlough whereby an employee is on a complete temporary, unpaid status for a duration of time.

Partial Furlough: A furlough whereby an employee's working hours are essentially reduced by a percentage of time during the duration of the furlough.

FLSA Non-Exempt: The Fair Labor Standards Act classification of employees who are entitled to overtime pay of at least 1.5 their hourly wage when they work more than their regular 40-hour workweek. Under the FLSA, workers may be considered non-exempt if they either earn less than the \$684 weekly minimum or if they have limited scope for self-supervision.

FLSA Exempt: The Fair Labor Standards Act classification of employees who are not paid overtime wages for hours worked over 40 in a workweek. To be considered exempt from FLSA, an employee must be paid on a salary basis, and must have exempt job duties.

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POLICY:

Upon the determination of budgetary necessity, the City Manager shall declare a Furlough and direct the Human Resources Director to administer the same. The furlough status may remain in effect up to 12 months from the City Manager's declaration of a Furlough. Furlough does not preclude the City of Duncanville from providing proper notification to reinstate, lay-off or terminate the employment relationship during furlough.

Eligible employee classification:

- Full time or part-time employees
- Civil Service full-time employees

City Leadership and respective Department Head(s) will determine what reductions are to be made to City services. The Department Head and Human Resources will assess the impacted job classification within the impacted department. The impacted employees within the identified job classifications of the department will be assessed according to their date of hire into a regular full-time position with the City. The last employee hired into a regular position, i.e. the least senior employee, will be the first employee furloughed. In the event that the entire job classification within an impacted Department is to be furloughed, the most senior regular employee will be the last employee furloughed. Furloughed employees remain employees of the City of Duncanville. However, they are moved to furlough status without pay and become eligible for unemployment compensation through the Texas Workforce Commission.

COMPLETE FURLOUGH

During a complete furlough, the employee will not earn service time credit with the City. As such, the City of Duncanville will not be contributing to the Employees' Retirement (TMRS), on behalf of the furloughed employee, as this is considered a break in service. Upon reinstatement, the employee may be eligible to buy-back time according to the Employees' Retirement Trust's rules of eligibility. Furloughed employee's leave balances will remain unchanged as of the pay period in which the furlough takes place. While on furlough status the employee cannot use their accrued leave, including but not limited to sick, vacation or personal leave, in exchange for salary. Furloughed employees will receive advance notification from Human Resources if he or she is to be furloughed. As much advanced notice as possible will be given. Employees shall not perform any work for the City while on furlough. Employees shall turn in their City badge, or any City issued equipment to HR or their respective Department head prior to initiating the furlough period.

REINSTATMENT:

The furlough may be in effect for up to one year. Employees may be contacted for reinstatement. Failure to return to work within five-business days of a reinstatement notice may result in termination from City of Duncanville employment.

The last employee, i.e., the most senior employee, furloughed from a regular employee job classification in the department, will be the first employee called for reinstatement within that job classification.

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- a. Should the individual decline reinstatement to the available position within that job classification in the employee's the department, the employee will be removed from furlough status and be subject to lay-off or termination.
- b. The available position within the employee's department will then be extended to the second-to-the-last person, i.e. the second most senior employee, furloughed from that classification in the department, and so on.
- c. In the event that none of the employees choose to be reinstated to an available position or there are no employees remaining on the Reinstatement List, the department can do the following in the order listed below:
 - i. Extend the available position to a furloughed employee within the same title and grade, from another department. If the employee to whom the position is extended, declines the available position, it will not be counted against them, and the employee will remain on the Reinstatement List for their respective department.
 - ii. If there is no employee remaining on the Reinstatement List for the same classification within any City Department that is willing to accept the available position, the impacted department may open an original recruitment.

Upon reinstatement to a position, the employee's leave accruals will become available for use and accrue at the same rate as when their furlough began. Additionally, the employee will resume responsibility for the employee's portion of their medical (to include dental and vision) insurance premiums. The aforementioned does not preclude furloughed employees from applying for any advertised recruitments for the City.

DEFINITIONS:

Furlough – Placing of an employee in a temporary non-duty, non-pay leave status because of a lack of budgetary funds or lack of work. A furlough is not a lay-off. For the purposes of furlough, one (1) day of furlough is the equivalent of eight (8) hours and will equate to a 40-hour workweek.

Regular Employee Position- As defined by Civil Service Commission Rule 2, number 20

Reinstatement – Returning a furloughed employee to work, at their previous salary, absent any City-wide pay reductions.

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POLICY TITLE: CODE OF CONDUCT

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.01

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

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PURPOSE:

The purpose of the Code of Conduct is to reinforce the City Council's and the City's mission and core values. Every decision we make and every action we take must be based on our core values. An easy way to remember our core values and what they stand for is the acronym HABITS. A habit is a behavioral pattern acquired by frequent repetition. We believe in empowering employees to make positive decisions, by reinforcing these HABITS.

H – Honesty: I will always be truthful

A – Accountability: I am solely responsible for my actions

B – Be Fair (Fairness): I will treat everyone with respect and without bias

I – Integrity: I will always do what is honorable and what is right

T – Transparency: I will be open and honest in my communications, genuine in my decisions and interactions with people, and be a reflection of a trustworthy organization.

S – Service Above Self: I am here to provide a service to others without expectation of reward or self-gratification

In recognition of our values, our organization expects everyone to:

- Show respect to ALL in the workplace.
- Act with integrity at all times while in the field, on City business, or representing the City on and off the job.
- Ensure ethical behavior in our business relationships.
- Perform work responsibly for our taxpayers.

POLICY:

The Code of Conduct applies to all employees, except where it may conflict with Civil Service requirements for Fire and Police.

YOUR PERSONAL RESPONSIBILITY

City Value: Accountability

As an employee of the City of Duncanville it is your personal responsibility to adhere to the City's values, make appropriate decisions that align with them, and follow the steps below:

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1. Follow the code of conduct

- a. All of your work and behavior must comply with our values, our policies, and the law. Our reputation for acting ethically and responsibly is built one decision at a time, every day, by each of us. It is your responsibility to know and comply with the policies that apply to the work you do and the decisions you make.

2. Lead by example

- a. Each of us must act with integrity and inspire trust. Managers and leaders have an increased responsibility of leading by example. We rely on our leaders and managers to reinforce our code of conduct and values throughout all levels of the organization.
- b. We expect all employees to serve as positive role models and inspire others to embrace our values by:
 - Demonstrating and recognizing integrity.
 - Demonstrating and encouraging ethical decision-making.
 - Creating an open work environment where employees feel comfortable raising concerns.
 - Preventing retaliation against those who speak up.
 - Seeking help in resolving issues when they arise and handling issues quickly.

3. Seek guidance and report concerns

- a. It is all employees' responsibility to ask questions and raise concerns when compliance issues arise. If you have questions on how to interpret the Code of Conduct or our values, seek guidance. Likewise, if you are aware of something that may be a violation of our values, our Code, our policies, or the law, you must demonstrate integrity by speaking up and reporting it so it can be addressed.
- b. You have several channels to seek guidance or make a report:
 - You can speak to your immediate supervisor, next level manager, or Human Resources. If you want to file a grievance, please see *Policy 6.14 Grievances*.
 - If you suspect violations of a fraudulent or unethical nature, the city has established an anonymous fraud and ethics reporting hotline available to employees 24 hours a day, 7 days a week, 365 days a year. You can contact the fraud hotline at 1-855-858-3344 and/or online at www.integrareport.com. For further information about the hotline and the City's policy on fraud, see *Policy 5.13 Fraud*.
 - If you have problems, or observe problems, with significant health or safety issues, illegal discrimination, or harassment issues, report them to Human Resources immediately.
- c. You will not be retaliated against for raising concerns. We will not retaliate or permit retaliation against a person who in good faith:
 - Reports what he or she believes is a violation of our values, our Code, our policies, or the law.

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- Raises a compliance question or seeks advice about a particular business practice, decision, or action.
- Cooperates in an investigation of a potential violation.

Please see *Policy 5.14 Whistleblower* for further information.

RESPECT IN OUR WORKPLACE

City Values: Fairness, Service Above Self

Performing quality work, providing value-added customer service, and living out our core values can only be achieved when we treat everyone, internally and externally, with fairness and respect.

- A. Diversity and Inclusion – We promote inclusivity and diversity when we respect others for their various contributions, talents, and abilities.
- Each of us has an important role in creating a work environment in which employees and business partners feel valued and respected for their contributions, talents, and abilities. You promote diversity and inclusion when you:
 - Respect the diversity of each other’s talents, abilities and experiences.
 - Value the input of others.
 - Foster an atmosphere of trust, openness, and honesty.
- B. Anti-Discrimination – Each of us should have an equal opportunity to reach our full potential and contribute to the success of Duncanville, without regard to age, race, gender, religious beliefs, country of origin, or other protected classes, as defined by law.
- Discrimination, whether intentional or unintentional, fosters an environment that is unfair, biased, and prevents equal opportunities for all to gain employment, contribute to, and advance in our organization. You give others equal opportunity when you treat employees or job applicants fairly and consistently in all matters, including but not limited to recruiting, hiring, training, promoting, compensation, or any other term of condition of employment. See *Policy 1.02 Equal Employment Opportunity*.
- C. Anti-Harassment – Harassment is disrespectful and unprofessional. It detracts from employees’ job performance, discourages employees from remaining on the job, and lowers overall employee morale and productivity.
- The City of Duncanville seeks to provide a work environment that is free from harassment and any other offensive or disrespectful conduct. For further information and definitions of harassment, see *Policy 5.06 Sexual and Other Unlawful Harassment*.
- D. Health and Safety – No matter which department or what position you are in, you are expected to put safety first. Safety is everyone’s responsibility. By practicing the best safety habits, you are not only being considerate of your own wellbeing, but also the wellbeing of others. This is service above self.
- The City is committed to safeguarding the health and safety of our employees, citizens, contractors, and visitors. Our health and safety policies and procedures are designed to help you work safely, whether you are in the office, on the

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roadways, or out in the field. Please see the following policies that address safety: *Policy 5.11 Minimum Driving Standards; Policy 6.08 City Property and Vehicle Use; Policy 6.11 Accident Reporting and Procedures*

- You should always speak up and raise a concern if you:
 - Are asked to do a task you consider unsafe.
 - Are asked to do a job you think you are not properly trained to perform and that may harm you or others.
 - See someone performing a task that you think is unsafe or that the person is not properly trained to do.
 - Suspect that a vehicle or piece of equipment is not operating properly and may be unsafe.
 - Observe or become aware of an unsafe condition or a potential danger to yourself or others.

- E. Substance Abuse – You jeopardize the safety of yourself and others when you report to work under the influence of alcohol and/or performance altering substances.
 - You are expected to perform your job duties free from the influence of any substance that could impair job performance. See *Policy 5.03 Drug Free Workplace* and *Policy 5.04 Drug and Alcohol Use – DOT*.
 - If you have a drug or alcohol problem you are encouraged to seek assistance. Contact Human Resources or the EAP for assistance.

- F. Anti-Violence and Bullying – Everyone deserves the right to and should expect a safe and thriving workplace.
 - Violence and bullying in the workplace is disrespectful, unproductive, unprofessional, and creates a hostile work environment. The City of Duncanville has a zero tolerance policy for workplace violence. You are prohibited from engaging in any act that could cause another individual to feel threatened or unsafe. See *Policy 5.07 Workplace Violence and Bullying* for further information.

- G. Promote a Positive Work Environment – The biggest morale killer, negativity breeding, and degrading activity in the workplace is office gossip.
 - Ask yourself when communicating with other employees:
 1. **Is it true?** – Do you know all the facts or the whole story? Did you witness it first hand, or is it simply hearsay?
 2. **Is it kind?** – If it seems like something outrageous or something you wouldn't want getting around about you, don't share it, don't judge, and don't assume.
 3. **Is it necessary?** – In other words, is it helpful? In most circumstances, there is nothing productive about gossiping.
 - b. If you answered no to any of the questions above, then consider the following strategies:
 1. Remove yourself from the conversation; tell the gossiper that you have to get back to your desk.
 2. Politely change the subject.

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3. Don't repeat what you overhear.
4. Directly state, "I'm not comfortable talking about this".

INTEGRITY AT ALL TIMES

City Values: Fairness, Integrity, Service Above Self

We shall treat everyone with whom we come in contact with fairness and integrity, and always give value-added customer service. This also applies to how we act and treat others when we are not at work.

- H. Our Customers – Every person with whom we, as employees of the City, come into contact is a customer. A reputation of value-added service is built one positive experience at a time.
- It is up to each and every one of us to create a value-added customer service experience. Our customers are our citizens, patrons, business partners, other employees, and our community leaders. Every employee should strive to treat everyone fairly, with transparency, and with value-added customer service.
- I. Social Media – When used appropriately, social media can positively engage our population and create ambassadors for our City. We all must conduct ourselves on social media in a way that is always respectful, appropriate, and does not reflect negatively on the City and/or ourselves.
- The City recognizes that social media is a conduit to give and receive information. We also recognize you have the right to freedom of speech. However, it is never appropriate to:
 - Post defaming, embarrassing, demeaning remarks about the City and/or any of its customers, including the individual.
 - Post anything that constitutes a violation of any of the City's policies including *Policy 5.06 Sexual and Other Unlawful Harassment*.
 - Post private and confidential information about other employees, customers, or business activities.
- See *Policy 5.08 Social Media* for further guidance.
- J. Unlawful Acts – We must conduct ourselves on and off the job with integrity and in a lawful manner at all times.
- For further information see *Policy 5.05 Arrests, Confinements, and Indictments*.

ETHICS IN OUR BUSINESS RELATIONSHIPS

City Values: Honesty, Transparency

Our code requires each of us to make ethical business decisions and to avoid conflicts of interest.

- K. Conflicts of Interest – We all have an obligation to act in the best interest of our City at all times and should avoid a conflict, or perception of a conflict, between personal interests and the City's interests. You must disclose potential conflicts of interest to the City.

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Having a conflict of interest is not necessarily a violation, but failing to disclose it is. See *Policy 5.12 Code of Ethics*. Conflicts of interest may arise when:

- Engaging in activities that compete with or are perceived to compete with the City's interests.
- Letting your business decisions be influenced or perceived to be influenced by personal or family interests or friendships.
- Using City property, information, or resources for personal benefit or for the benefit of others not associated with City business.
- Hiring, supervising, or having a direct or indirect line of reporting to a family member or someone with whom you have a personal relationship. See *Policy 1.04 Nepotism*.
- Having outside employment that negatively affects your job performance or interferes with your City of Duncanville responsibilities. See *Policy 1.05 Outside Employment*.

L. Political Activities – It is a misuse of taxpayer funds when City resources are used for personal political activities. In addition to City resources, you are prohibited from using your position, title, or employment status for any political activity. To avoid conflict of interest situations, the City discourages employees from publicly endorsing, campaigning for, or making, soliciting, or receiving any contributions to the campaign of any candidate for City Council, whether directly or indirectly through an organization or association.

- The City of Duncanville encourages you to participate in your community, which may include political activities. However, you may not use City funds or resources to participate in political activities. See *Policy 5.10 Political Activity*.

PERFORM WORK RESPONSIBLY FOR OUR TAXPAYERS

City Values: Honesty, Service Above Self, Transparency

Acting with responsibility and transparency goes hand-in-hand with maintaining the public's trust. Each employee creates value when the needs of the taxpayers are put first (Service-Above-Self), and protecting and properly using City resources, information, and property.

M. City Resources – Each of us has the responsibility of being good stewards of City resources when they are entrusted to our care.

- The City of Duncanville relies on each and every employee to use City resources honestly and efficiently. Resources include physical property, such as facilities, supplies, equipment, machinery, vehicles, and City funds. Resources also include intangible assets, such as City time, confidential information, and information systems. You should use City resources only for legitimate business purposes and protect them from theft, loss, damage, or misuse. See *Policy 5.09 Attendance and Punctuality; Policy 6.05 City Resources Management; Policy 6.08 City Property / Vehicle Use; Policy 6.06 Uniforms*.
- The obligation to protect City funds is particularly important if you have spending authority and manage budgets and accounts. You must always:
 - Ensure funds are properly used for their established purpose.
 - Obtain required approval before incurring an expense.

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- Accurately record all expenditures.
 - Verify that expenses submitted for reimbursement are business-related, properly documented, and comply with our policies. See the Finance Department's *Travel Expense Reimbursement Policy*.
- N. Fraud – Committing fraud compromises our City values, (specifically honesty, integrity, and transparency), as well as the law.
- You misuse City resources and commit fraud when you intentionally conceal, alter, falsify, or omit information for your benefit or the benefit of others. Fraud may be motivated by the opportunity to gain something of value (such as meeting a performance goal or obtaining a payment) or to avoid negative consequences (such as discipline). See *Policy 5.13 Fraud* for further information and reporting procedures. Examples of fraud include:
 - Falsely reporting time worked to earn overtime or to avoid discipline for being late or absent from work. See *Policy 2.09 Timekeeping*.
 - Presenting false medical or benefit information in order to obtain or maintain benefits, such as disability, medical, Worker's Compensation, and FMLA benefits.
 - Misstating financial information in our City's books and records.
- O. Email, Internet, and Information Systems – City email, computers, and internet are resources provided by the City in order for us to perform our jobs. It is everyone's responsibility to treat our technical resources with care and good judgment. You must use City email and internet accounts responsibly and protect the security of our systems.
- Our information technology systems are a key component of our operation and are provided for authorized business purposes. Your use of these systems must comply with our policy. See Information Technology department's *Email and Computer Use Policy*. You may engage in reasonable incidental personal use of phone, email, and the internet as long as such usage does not:
 - Consume a large amount of time or resources.
 - Interfere with your work performance or that of others.
 - Involve illegal, sexually explicit, discriminatory, or otherwise inappropriate material.
 - Relate to outside business interests.
- The City reserves the right to monitor, record, disclose, audit, and delete without prior notice the nature and content of an employee's activity using our City's email, phone, voicemail, internet, and other systems.

ADMINISTER OUR CODE OF CONDUCT

It is the duty of all employees to ensure our Code of Conduct is followed at all times.

- P. Investigating Misconduct – The City of Duncanville takes seriously all reports of misconduct.

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- All reports of suspected violations of our Code or the law will be taken seriously and promptly reviewed. With the assistance of management and Human Resources, we will:
 - Act objectively in determining facts through interviews and/or a review of documents.
 - Contact employees who may have knowledge about the alleged incident(s).
 - Recommend corrective actions and/or disciplinary measures where appropriate.
 - Protect the confidentiality of the individual involved, to the extent practical.
 - Inform an employee of the accusations reported against him/her at a time when such a disclosure will not jeopardize the investigation.
 - Where permissible, allow employees to review and correct information reported.

Q. Disciplinary Action – If you violate our Code, the City will take appropriate action.

- You are expected to follow the Code and comply with our policies and the law while conducting business on behalf of the City as a condition of employment. Violating the Code, our policies, or the law may result in:
 - Disciplinary Action – See *Policy 5.02 Disciplinary Action*
 - In the case of a violation of civil and/or criminal law, penalties may be imposed by an agency or court of law.

Our Code is not a contract. It does not convey any specific employment rights or guarantee employment for any specific period of time.

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POLICY TITLE: DISCIPLINARY ACTION

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.02

Approved Date: 12-28-2016

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Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To provide a structured corrective action process to bring attention to existing performance, conduct or attendance issue(s).

POLICY:

It is the policy of the City of Duncanville that employees comply with certain standards of behavior and performance, and that noncompliance is corrected in a manner that protects the dignity of employees. Disciplinary action is considered a dimension of performance management and employee development. It is a corrective process to help employees overcome work related shortcomings, strengthen work performance, and achieve success.

Disciplinary action may be implemented for an employee's failure to maintain minimum performance standards, as a response to employee misconduct (unacceptable or improper behavior), or for an employee who is experiencing a series of unrelated problems involving job performance or behavior. Unrelated performance problems may be considered separately unless the effect of the performance deficiencies has a cumulative effect on the employee's overall performance.

A. Progressive Discipline: In most instances the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps as listed below, nor to use them in the order in which they are listed. Depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances, the City may begin the disciplinary process at any level, up to and including immediate termination. At-will employment status is not affected by the use of the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- Verbal Warning
- Written Reprimand
- Suspension – Leave without Pay
- Performance Improvement Plan
- Demotion
- Termination

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Verbal Warning: The supervisor will speak one-to-one with the employee regarding the situation. The supervisor should explain to the employee that they will follow up with an email to summarize the verbal warning. The progressive disciplinary documentation forms must still be completed by the supervisor and reviewed with employee. Both the supervisor and employee should sign the documentation (although the employee may refuse to sign). No documentation is sent to HR or placed into the official personnel file kept in the HR Department. However, the documentation should be stored securely in the supervisor's office/files.

Written Reprimand: The supervisor should request an HR Department representative to be present at the disciplinary meeting. If HR is unavailable, the supervisor should select another supervisor or employee to be present; however, this individual should be vetted by and approved by HR.

Suspension: Suspensions, depending on the offense/situation, may be for one day or more. These are to be unpaid leaves and the proper pay code placed on the employee's time sheet. The supervisor should request an HR Department representative to be present at the disciplinary meeting. If HR is unavailable, the supervisor should select another supervisor or employee to be present; however, this individual should be vetted by and approved by HR.

Performance Improvement Plan: A performance improvement plan (PIP) may be instituted when a supervisor/department head believe there are issues that need to be remediated over a course of time and which need to be documented and monitored. PIP's are not defined as disciplinary action, but instead are a coaching/remediation tool to assist employees where there are deficit behaviors. The supervisor should request an HR Department representative to be present at the PIP meeting. If HR is unavailable, the supervisor should select another supervisor or employee to be present; however, this individual should be vetted by and approved by HR.

Termination: If/when an employee has either progressed through the disciplinary process or has incurred an egregious offense, the supervisor/department head may elect to terminate the employment of the employee. Supervisors/department heads should always consult with HR before enacting this step, in order for HR to provide input and determine if the proper steps and documentation are in order. The supervisor should request an HR Department representative to be present at the termination/disciplinary meeting. If HR is unavailable, the supervisor should select another supervisor or employee to be present; however, this individual should be vetted by and approved by HR.

- B. Documentation:** Supervisors are expected to document disciplinary action using the *Performance Correction Notice* form. The documentation should contain a description of the substandard performance or misconduct that prompted the discipline, the action taken, and how the employee's conduct must change, including time frames as necessary. Every disciplinary action taken shall be recorded so as to provide documentation that rules are enforced equitably and in accordance with stated policy, without regard to race, gender, national origin, disability, age, religion, or any other protected class, as defined by law. All disciplinary documentation, with the exception of verbal warnings, shall be sent to Human Resources to be kept in the employee's personnel file.

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- C. Supervisory Responsibility:** All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document in writing their subordinates' job performance, conduct, and behavior, as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures; and address performance appeals submitted to them, in an attempt to resolve such issues at the lowest possible supervisory level.
- D. Review by Human Resources:** Any proposed disciplinary action in excess of an verbal or written warning must be reviewed by the Human Resources Manager prior to being given to the employee. This applies to all employees, regardless of probationary status or length of service.
- E. Disciplinary Meeting:** A disciplinary meeting will be scheduled prior to the imposition of a disciplinary action of a suspension of 1 day (or 1 shift) or more, performance improvement plan, demotion, or termination. The Department Director, the employee, Human Resources, and anyone else deemed necessary by the Department Director typically attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct or alleged charges leading up to the proposed disciplinary action. Employees will be given advance notice of the meeting. The employee will be notified of the City's determination following the meeting. The employee does not have the right to legal representation during an internal disciplinary meeting.
- F. Appeal Rights:** An employee may appeal for reconsideration of disciplinary action to the department director. If the results of this appeal do not satisfy the employee, the case may be elevated to the next level in the chain of command. The City Manager shall be the final authority. All appeals must be made in writing within (5) business days of notification of discipline. The employee can expect to receive a response within 10 to 15 business days.

Positions classified as Director level or above are employed at the will and pleasure of the City Manager and have no right of appeal for any type of disciplinary action, including termination. Employees serving the initial probationary period have no right of appeal for disciplinary action.

Civil Service employees will follow the appeal procedures as laid out in Chapter 143 of the Texas Local Government Code.

- G. Administrative Leave:** During an investigation into alleged offenses or violations of City policies, the City may, at its sole discretion, place the employee on administrative leave. If an employee is placed on administrative leave, the expectations of the leave (e.g. being available for questioning during working hours) will be documented in writing and given to the employee. Any violation of the administrative leave agreement will result in further discipline, up to and including termination.

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H. Expectations and Accountabilities:

- a. Human Resources:
 - i. Administration of this policy/program.
 - 1. Provide documentation to supervisory staff.
 - 2. Ensure departments generate proper documentation at each step of the disciplinary process.
 - 3. Liaise with legal counsel when necessary.
 - ii. Witnesses for disciplinary or PIP meetings.
 - iii. Offer consultation and make professional recommendations during the progressive disciplinary process.
- b. Department Heads/Supervisory Personnel:
 - i. Administer all disciplinary actions/PIP's and keep HR in the loop at each step of the disciplinary process.
 - ii. Ensure there is sufficient and clear documentation to support the disciplinary actions. Discuss with HR when necessary or applicable.
 - iii. Ensure that supervisory staff utilize the disciplinary process when warranted and that follow through is held accountable.

I. Frequently Asked Questions:

- a. How long should a supervisory staff wait to issue a step in the disciplinary process?
 - i. The actions should be swift or ASAP. Delays in taking action weaken the case for the action.
- b. Can I skip the Verbal Warning and go straight to the Written Reprimand?
 - i. Yes, this may be feasible depending on the severity of the offense. However, supervisory staff should consult with HR.
- c. When do the disciplinary actions get removed from the employee's personnel file?
 - i. Assuming there are no further related/similar incidences, after one year from the date of the signing of the disciplinary action, it will be removed from the employee's personnel file upon the employee's request.

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POLICY TITLE: DRUG FREE WORKPLACE

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.03

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Approved By: 

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Revision Date: 10-01-2020

PURPOSE:

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

POLICY:

The City maintains a firm commitment to providing a safe work environment free from the effects of illegal drugs and alcohol as well as the abuse of legal/prescription drugs. It is a violation of this policy to refuse to consent to testing, or to test positive for alcohol or illegal drugs. Violations of this policy will result in severe disciplinary action, up to and including termination. This policy applies to all City employees.

A. General Provisions

1. Prohibition Against Alcohol and Illegal and Unauthorized Drugs

While on City premises, on duty, conducting City-related business or other activities off premises, driving a City-owned or leased vehicle, or operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, purchase, or sell drug-related paraphernalia, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs (including legal drugs which were not legally obtained), and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling, or otherwise introducing illegal or unauthorized drugs into the body.

Employees shall not use, be under the influence of, have present in their body or on their person, or have the odor on their breath or clothes of alcohol, illegal drugs, intoxicants, or any other prohibited substances while reporting to work or while on duty. Employees shall not have alcohol, illegal drugs, intoxicants or any other prohibited controlled substances as defined by state or federal law in City vehicles or equipment or on City premises.

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2. Prescriptions and Over-the-Counter Medications

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

Employees shall not use or possess prescription drugs except as prescribed by their physician. Employees shall not use prescription drugs or over the counter (OTC) medications in a manner inconsistent with recommended dosages and/or warning statements. Employees must report their use of over-the-counter or prescribed medication to their supervisor **if** the use might impair their ability to perform their job safely and effectively. A determination will be made as to whether the employee is able to perform the essential functions of the job safely and properly. The City reserves the right to have a designated city physician determine if a drug or medication may impair an employee's ability to safely perform his/her job duties, and may restrict the job duties performed while using a drug or medication accordingly.

3. Police Department Employees

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

4. Drug and/or Alcohol Test

On-duty employees shall not refuse to submit to a drug and/or alcohol test when requested, required or ordered to submit by a person having the authority to do so. An employee who refuses to be tested for any reason given under Section B.3 of this policy, who obstructs the testing process, or who tampers with/alters a specimen will not be permitted to perform or continue to perform their duties and will likely be terminated. An applicant who does one of these prohibited acts will not be hired.

5. Off-Duty Conduct

The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, or when such off-duty use or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol (.02 BAC or higher) is subject to discipline up to and including termination.

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6. Training or Conferences

Employees attending training and conferences may participate in social functions associated with the conference, including responsible consumption of alcohol, as long as the employee's conduct does not reflect adversely upon the City. Employees who consume alcohol at these functions shall follow the law, shall not operate City-owned vehicles, and are prohibited from driving personal vehicles after the consumption of any level of alcohol. If the employee needs assistance with transportation, they must contact any available City representative, who may arrange alternate transportation.

7. Mandatory Reporting of Arrests and Convictions

Employees must notify their immediate supervisor and the Department Director, in writing, of any alcohol or drug-related arrest and/or conviction (including a plea of *nolo contendere*) or deferred adjudication for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

8. Supervisor and Director Responsibility

Supervisors and Directors are responsible for consistent enforcement of this policy. A supervisor/manager/director that permits a violation of this policy, who is found to have misused this policy in regard to subordinates, who violates the confidentiality standards of the policy, or who has actual knowledge that an employee has violated any of the prohibitions of this section and allows him/her to report for or continue on duty, shall be subject to severe disciplinary action, up to and including termination.

9. On Call/Emergency Call Back

Employees who are scheduled to be on call are prohibited from consuming alcoholic beverages or using drugs that may impair performance during the call-back period.

The City recognizes that employees who are not designated as "on-call" may be asked to report for emergency or unexpected duty. Before reporting for duty, employees shall disclose to their supervisor whether they have used alcohol or other substances, including prescribed or over the counter medications, that might affect their ability to drive to work and/or perform their duties. Employees subject to continuous emergency call back are required if called upon to declare to their supervisors the use of alcohol or controlled substances, including prescribed medication, that might affect their ability to perform their duties. The supervisor will advise these employees not to report to work. Employees who decline calls for emergency duty for this reason will not be subject to disciplinary action. In no event shall employees reporting for emergency duty be under the influence of alcohol or other substances that cause impairment.

10. Rehabilitation/Treatment

- a. It is the City's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge his/her problem and seek and accept counseling and/or rehabilitation before it jeopardizes his/her employment.
- b. Employees with drug or alcohol problems that have not resulted in and are not about to result in disciplinary action may request approval of a leave of absence, subject to FMLA, to participate in a rehabilitation or treatment

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program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.)

- c. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program. See *Policy 4.11 FMLA*.
- d. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act (FMLA) policy. While on leave, outside employment will be restricted in accordance with *Policy 1.05 Outside Employment*.
- e. If the employee successfully completes his/her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his/her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:
 - 1) Initial negative test for drugs and/or alcohol before returning to work;
 - 2) A written release to return to work from the City-approved rehabilitation or treatment facility/program;
 - 3) Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
 - 4) In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two (2) years following the employee's return to work following treatment;
 - 5) The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Human Resources Director. The employee must meet with the Human Resources Director to discuss the terms of his/her continued employment and sign a formal agreement before returning to work.

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- f. This policy will be administered in accordance with the City's Family and Medical Leave policy when applicable and will be enforced consistent with the City's obligations under the ADA/ADAAA.

11. Policy Violations

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

B. Testing

1. Types of Tests

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

2. Testing of Applicants

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

3. Testing Employees

a. Pre-employment

The City will not knowingly hire applicants under the influence of drugs and/or alcohol. Applicants who test positive or fail to submit to a timely post-offer drug test will not be hired, and are ineligible to apply with the City for one year from the date of the positive test or violation. Department Directors shall not allow an applicant to begin work until they have received confirmation from the Human Resources Department that the prospective employee has tested negative for drugs.

b. Post-Accident and Post-Injury Testing

Employees may be tested for alcohol and/or illegal and unauthorized drugs for the following:

- After a workplace injury, accident, or "near miss;"
- When reasonable suspicion exists; or
- In connection with any required treatment or rehabilitation

c. Police and Fire Department

Police and Fire Department employees are also subject to any applicable Departmental policies regarding illegal and unauthorized drug and alcohol testing.

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d. Reasonable Suspicion

For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, or evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol.

Reasonable Suspicion Testing Process:

PRELIMINARY EVALUATION

Supervisors must take action if they have reason to believe that one or more of the Reasonable Suspicion Indicators are present and may be affecting an employee's performance or behavior. Supervisors failing to take appropriate action will be subject to disciplinary action up to and including termination.

An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, or medication must immediately notify their supervisor, Department Director, or the Human Resources Department.

Reasonable Suspicion Indicators include but are not limited to:

- Observable behavior such as direct observation of drug or alcohol use, possession, or physical symptoms of being under the influence of drugs or alcohol;
- Possession of drug paraphernalia;
- Noticeable change in behavior or a pattern of abnormal or erratic behavior;
- Smell of alcohol or marijuana on person or breath;
- Appearing to be intoxicated, confused, disoriented, or having difficulty concentrating;
- Identification of an employee as the focus of criminal investigation into illegal drug possession, use, or trafficking;
- Abnormally dilated or constricted pupils, glazed stare;
- Bloodshot or watery eyes;
- Flushed face;
- Change of normal speech pattern, i.e. faster or slower;
- Constant sniffing or redness under nose;
- Sudden weight loss;
- Needle marks;
- Exhibiting change in personality, i.e. paranoia, anger, etc.;
- Forgetfulness;
- Change in performance level;

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- Borrowing money from co-workers, or other unusual display of need for money;
- Constant fatigue or hyperactivity;
- Excessive, unexplained absences;
- Dulled mental processes, sleepy, or stuporous condition;
- Slowed reaction rate;
- Slurred speech;
- Physical or verbal altercation;
- Lack of coordination, difficulty walking, and/or inability to walk straight.

If reasonable suspicion testing is requested, the following steps shall be followed:

STEP 1

When reasonable suspicion is identified by a supervisor, the employee will be questioned and observed by a Department Director or Human Resources employee.

The supervisor and Department Director shall document the observed behavior in writing on a *Supervisor's Report of Reasonable Suspicion* form. The Department Director shall contact Human Resources for reasonable suspicion authorization. In the event that the Human Resources Department is unavailable, the Department Director shall contact the City Manager's office. Testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

Right to Search Property

Upon reasonable suspicion, the City may search City-owned property, vehicles, desks, closets, or lockers for alcohol or drugs. If the employee has a personal lock on the locker, the employee shall be given the opportunity to remove it when possible. If the lock is not removed, the City shall cut the lock off.

STEP 2

If there is evidence which indicates that the employee may be under the influence of alcohol or drugs, and the Department Director has received authorization from Human Resources or the City Manager's Office, the supervisor, Director, or designee shall drive the employee to the designated medical facility and wait for testing to be completed.

Refusal by an employee to submit immediately to an alcohol and/or drug analysis when requested by management will result in termination.

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STEP 3

If the drug test results are positive for the presence of alcohol or drugs, the employee will be provided transportation home. If the employee refuses and demands to drive their vehicle, the employer shall notify law enforcement. If the test results are negative, the employee may return to work.

Information obtained through this testing will be treated with strict confidentiality.

Fire and Police Department Reasonable Suspicion

The Fire or Police Chief may direct any employee of their respective departments to submit to a drug and/or alcohol test immediately. The Human Resources Director shall be notified as soon as possible, but no later than 24 hours after the employee was tested.

C. Testing Procedures

1. All testing must normally be authorized in advance by both the employee's Department Director and the Human Resources Director. If the Department Director is unavailable within a reasonable period of time, the Human Resources Director may, with sole discretion, authorize the testing of an employee. If the Human Resources Director is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
2. If a workplace accident, injury, or "near miss" has occurred and testing is required, or in situations of documented reasonable suspicion, the employee will be escorted to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, at its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Human Resources Director; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may

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be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

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POLICY TITLE: DRUG AND ALCOHOL USE – DOT

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.04

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration, and as outlined in this policy.

POLICY:

A. Employees/Applicants Subject To Testing.

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

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City or an employee of such contractor. Refer to the end of this policy for a listing of City positions currently subject to the testing provisions of this policy. The list of job titles may change as job responsibilities change or as new jobs are added to the City's work force. Employees required by DOT to hold a CDL due to the type of equipment they operate are subject to this policy even if their job titles are not on the list. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

B. Prohibited Alcohol Use

1. On-duty and Pre-duty Use.

Reporting for or remaining on duty when the performance of safety-sensitive functions is required is prohibited under the following conditions:

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

2. Use Following an Accident.

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

C. Prohibited Drug Use

Use of illegal drugs and other controlled substances by safety-sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety-sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

D. Required Alcohol and Drug Tests

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

1. Pre-employment Testing

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

2. Post-accident testing

Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation), and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
- When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
- In an accident involving a fatality, testing will be performed on anyone who was performing safety-sensitive functions with respect to the vehicle.

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An employee subject to post-accident testing must remain readily available for such testing or he/she will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions and such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

- a. Post-Accident Alcohol Testing. If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Human Resources Director.
 - b. Post-Accident Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Human Resources Director.
3. Reasonable suspicion testing
Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, recent, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only after consultation with the Human Resources Director. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Human Resources Director.
- a. Reasonable Suspicion Alcohol Testing. Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after the period of the work day in which the employee is required

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to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing safety-sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Human Resources Director. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Human Resources Director.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty which requires the performance of safety-sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety-sensitive functions until:

- An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- 24 hours have elapsed since the reasonable suspicion observation was made.

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

4. Random Testing.

The City contracts with a company to administer the random selection process and drug/alcohol testing. Drivers are selected for random, unannounced drug and alcohol testing using a computer-based random number generator that is matched with the employee's Social Security number. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with the FMSCA - DOT regulations. Per FMSCA, 50% of CDL required positions must be tested over the course of the year. Each driver randomly selected for testing will be tested immediately. Dates and times for random testing are unannounced, once a quarter, and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing safety-sensitive functions. Random testing for drugs does not have to be conducted in immediate time proximity to performing safety-sensitive functions.

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5. Return-to-duty and follow-up testing

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

E. Refusal to Test

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

F. Additional Information About Alcohol Testing

1. Consequences of a Positive Alcohol Test

An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety-sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety-sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.

2. Alcohol Testing Procedures.

A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. The second,

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confirmation test results determine if the employee is in violation of this policy. Any result of less than 0.02 alcohol concentration is considered a “negative” test. Testing procedures that ensure accuracy, reliability, and confidentiality of test results will be followed pursuant to DOT regulations.

G. Additional Information About Drug Testing

1. Drug Testing Procedures

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

2. Drugs Tested For

DOT requires testing for the following drugs:

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

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

3. Review of Drug Test Results

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

4. Consequences of a Positive Drug Test

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

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H. Confidentiality

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

I. Information From Prior Employers

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

J. Record Retention

The City will maintain and retain records under this policy as mandated by DOT regulations.

K. Notification to Applicants/Employees of Positive Test Results

The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable

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suspicion, and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. If an MRO is unable to contact the driver, the City will make reasonable efforts to contact each driver who tested positive in order to ask them to contact and discuss the results of their drug test with the MRO. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

L. Employee Admission of Drug/Alcohol Use

An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety-sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety-sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional, or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety-sensitive functions, the employee must undergo a return-to-duty alcohol test with a result of less than 0.02 and/or a return-to-duty drug test with a negative test result.

M. Safety-Sensitive Functions

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

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

N. Transportation to Testing Site

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

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

For further information please see www.dot.gov/ost/dapc.

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CDL POSITIONS REQUIRED TO COMPLY WITH DOT RULES/REGULATIONS PER THIS POLICY

Maintenance Worker – Water/Wastewater
Maintenance Worker – Streets
Maintenance Worker – Parks
Skilled Maintenance Worker – Water/Wastewater
Skilled Maintenance Worker – Streets
Skilled Maintenance Worker – Parks
Crew Leader – Water/Wastewater
Crew Leader – Streets
Crew Leader – Parks
Mechanic
Irrigator
Irrigation Technician
Spray Technician

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POLICY TITLE: ARRESTS, CONFINEMENTS, AND INDICTMENTS

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.05

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to define the procedures for employees to use to notify the City if an arrest, confinement, or indictment has occurred.

POLICY:

City employees are subject to disciplinary action, up to and including termination or job restrictions, for violations of law. This policy applies to acts prohibited by law whether or not they result in charges being filed, arrest, confinement, indictment, and/or conviction.

PROCEDURE

A. Felonies and Misdemeanors

Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead *nolo contendere* to any misdemeanor or felony, other than a non-traffic Class C misdemeanor. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, may be placed on administrative leave (with or without pay) until the charge, indictment, or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the Human Resources Director. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position they 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.

B. Employee Status after Violation of Law

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

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- 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.

C. 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.

D. 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 Code.

E. Employee Detained by Law Enforcement Authorities

An employee questioned by law enforcement authorities and not free to leave is considered to be "detained." Employees are to contact their immediate supervisor at the beginning of the next work shift after being detained by law enforcement authorities, including traffic stops, to report the detainment, arrest, confinement, or indictment, and the reason for it. If the employee is unable to report to the supervisor because of confinement, the employee must have someone contact the supervisor on behalf of the employee no later than the beginning of the next scheduled work shift to report why the employee is unable to report to work. A detained employee who fails to report to work at the employee's regularly scheduled time and/or provide timely notification to the supervisor will be subject to disciplinary action for failure to report to work and will receive leave without pay for the absence.

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POLICY TITLE: SEXUAL AND OTHER UNLAWFUL HARASSMENT

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.06

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally at times. City employees are prohibited from engaging in unlawful harassment of employees, citizens, vendors, and all other third parties.

Discrimination of any kind can and often will detract from employees' job performance, discourage employees from remaining on the job, keep employees from advancing in their careers, and lower overall employee morale and productivity. It is the policy of the City of Duncanville that sexual harassment and sex-based discrimination is unacceptable conduct and will not be tolerated.

It is the purpose of this policy to reaffirm and amplify the position of Title VII of the Civil Rights Act of 1964 as amended and the Equal Employment Opportunity Commission's guidelines on sexual harassment, sex-based discrimination, and retaliation, and to reiterate our policy against discrimination and harassment.

POLICY:

This policy applies to all City employees, citizens, vendors, and other visitors to the workplace.

A. Sexual Harassment

All forms of sexual harassment are prohibited. Conduct which has unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are forms of sexual harassment. In addition conduct of a sexual nature constitutes sexual harassment when:

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

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Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. This policy prohibits sexual advances and requests for sexual favors; sexual jokes and innuendo; comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies; leering, whistling, or touching; verbal abuse of a sexual nature, including insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects, pictures, or written materials, including nudity and pornography; and all inappropriate conduct of a sexual nature, whether it be physical, verbal, or visual conduct.

B. Other Prohibited Harassment

In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

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

This policy also prohibits sending, showing, sharing, or distributing inappropriate jokes, pictures, comics, stories, in any form, including but not limited to via fax, e-mail, cell phone or other electronic devices, social media, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is prohibited and will not be tolerated.

C. Mandatory Reporting

The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Reporting requirements also includes conduct of non-employees, contractors, vendors, and/or customers of the City. Any employee who observes or otherwise learns of possible harassment in the workplace, or who feels that harassment has occurred, or has been subjected to conduct prohibited by this policy must report it immediately to one of the following:

- the Department Director;
- the Human Resources Director;
- the City Manager;
- anonymously with IntegraReort at www.IntegraReport.com OR call 1-855-858-3344.
Note subscriber code = Duncanville.

Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and /or the Human Resources Director.

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Under this policy, an employee may report to the Human Resources Director directly, without regard to the employee's normal chain of command:

Todd Siegel
HR Director
203 E. Wheatland Road
Duncanville, TX 75116
972-780-5012
tsiegel@duncanville.com

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

If the employee feels more comfortable reporting to a male manager, the employee may report directly to:

Paul Frederiksen
Assistant City Manager
203 E. Wheatland Rd.
Duncanville, TX 75116
972-780-5004
pfrederiksen@duncanville.com

D. Investigation

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

E. Retaliation Prohibited

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

F. Responsive Action

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

In addition to reporting a complaint of sexual harassment, sex-based discrimination and/or retaliation to company officials, a person may also contact the U.S. Equal Employment Opportunity Commission and file a charge of employment discrimination. The address and telephone number of the EEOC office is 207 S. Houston Street, Dallas, Texas 75202, 3rd Pl.; (800) 669-4000. Information about employment rights and the procedures dealing with how to file a charge is available on the Internet at www.eeoc.gov.

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G. Mandatory Compliance Training

All city employees will be required to take harassment prevention training every two years (or every year dependent on the city's training and development program requirements). New hires will be required to take harassment prevention training within 60-90 days of hire.

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POLICY TITLE: WORKPLACE VIOLENCE AND BULLYING

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.07

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The City of Duncanville is committed to preventing workplace violence and maintaining a safe, professional work environment. Furthermore, maintaining a safe and professional work also includes an environment free of bullying. The purpose of this policy is also to communicate to all employees the signs of potential bullying behavior and the negative impact it causes in the workplace.

Employees found in violation of this policy will be disciplined, up to and including termination.

POLICY:

This policy prohibits harassment, intimidation, threats, and violent behavior by or towards anyone in the workplace, that is in any way job or City-related, that is or might be carried out on City property, or that is in any way connected to an individual's employment with the City, whether the conduct occurs on or off-duty. The City has a zero-tolerance policy for this type of misconduct.

Furthermore, this policy also prohibits bullying behavior. Bullying is defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior violates the City of Duncanville's Code of Conduct, which clearly states that all employees will be treated with dignity and respect.

A. VIOLENCE

All employees, customers, vendors, and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Conduct that threatens, intimidates, or coerces another employee, customer, vendor, or business associate will not be tolerated. City of Duncanville resources may not be used to threaten, stalk or harass anyone at or outside the workplace. The City of Duncanville treats threats coming from an abusive personal relationship as it does other forms of violence.

1. Reporting

Each City employee must immediately notify his/her supervisor, Department Director, the Human Resources Director and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual

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threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Human Resources Director.

2. **Protective Orders**

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

3. **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.

4. **Investigations and Enforcement**

The City of Duncanville will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The City of Duncanville will not retaliate against employees making good-faith reports of violence, threats or suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation, the City of Duncanville may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Any employee found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination.

The City of Duncanville encourages employees to bring their disputes to the attention of their supervisors or the HR department before the situation escalates, and will not discipline employees for raising such concerns.

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B. BULLYING

Bullying may be intentional or unintentional. However, it must be noted that when an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when meting out discipline. As in sexual harassment, it is the effect of the behavior on the victim that is important. The following acts could be considered a form of bullying:

- Verbal bullying: Slandering (speaking untruthfully about another person), ridiculing, or maligning a person or his or her family; persistent name calling that is hurtful, insulting, or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- Exclusion: Purposefully excluding or disregarding a person in work-related activities, whether physically or socially.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising voice at an individual in public or in private.
- Using verbal or obscene gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Ignoring or interrupting an individual at meetings.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, under loading, withholding information, assigning meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Inflicting menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual and/or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).
- Hazing

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1. **Consequences of Bullying**

Bullying is unacceptable behavior because it breaches principles of equality and fairness, and it frequently represents an abuse of power and authority. It also has grave potential consequences for everyone involved. People who have been bullied often suffer from a range of stress-related illnesses. They can lose confidence and withdraw from contact with people outside the workplace as well as at work. Their work performance can suffer, and they are at an increased risk of workplace injury. In addition, in the workplace bullying can lead to:

- Deterioration in the quality of work
- Increased absenteeism
- Lack of communication and teamwork
- Lack of confidence in the employer, leading to lack of commitment to the job

2. **Responsibilities**

Everyone has the responsibility to ensure workplace bullying is prevented.

Managers and supervisors

- Ensure that all employees are aware of the anti-bullying policy and procedures
- Ensure that any incident of bullying is dealt with, regardless of whether a complaint of bullying has been received
- Provide leadership and model appropriate professional behavior
- Respond promptly, sensitively, and confidentially to all situations where bullying behavior is observed or alleged to have occurred

Employees

- Be familiar with this policy and behave accordingly
- If you are a witness to bullying, report incidents to your supervisor, Department Director, or Human Resources as appropriate
- When appropriate, speak to the alleged bully(ies) to object to the behavior

3. **Reporting and Investigation**

- Any employee who feels he or she has been victimized by bullying is encouraged to report the matter to his or her supervisor or to Human Resources.
- Where appropriate, an investigation will be undertaken and disciplinary measures will be taken as necessary.

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POLICY TITLE: SOCIAL MEDIA

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.08

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To define proper etiquette and conduct for an employee of the City of Duncanville using social media. This policy defines an employee's personal usage of social media. For guidelines and proper conduct for using the City's social media pages, see *City Social Media Policy*.

POLICY:

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City, or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees, and its citizens through electronic media, including but not limited to online forums, instant messaging, and 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 Twitter, Facebook, LinkedIn, bulletin boards, chat rooms, instant messaging, and all other social networking sites; microblogging, blogs, vlogs, and other online journals and diaries; and the posting of video on YouTube and similar media.

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, and inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action up to and including termination. The City provides a system for employee complaints "off-line" through the "Complaints and Grievance" policy without resorting to social media. See *Policy 6.14 Complaints and Grievances*

EMPLOYEE GUIDELINES:

The City recognizes that many City employees utilize social media. The City requires that employees be aware of these guidelines regarding posting activity on their own personal websites and social media when such activity could negatively reflect on the City and its employees.

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- It is acceptable for employees to promote the City, including designating the City as their employer, and promoting City events using their personal social media site. The City desires employees to be proud of their job and employer, and love their profession.
- It is not acceptable to use City logos or trademarks or to post official documents on personal accounts.
- 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.
- Employees are encouraged to act responsibly and with integrity 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 off duty, could have an adverse effect on the City's image and its employees.
- 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. Inappropriate postings include but are not limited to using foul language, posting inappropriate pictures in City uniform, and postings that exhibit violent, sexual, and/or other behaviors of the employee that would be considered disturbing and inappropriate to a reasonable person.
- Do not put anything on your personal social media site that may constitute violation of the ***Policy 5.06 Sexual and Other Unlawful Harassment***. Do not post any pornographic pictures of any type. Be mindful that the City's harassment policy covers both work and non-work time, including postings on social media sites.
- Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.
- A minimal amount of personal social media usage is acceptable during working hours, provided the use does not violate the guidelines of this policy or the Computer and Internet Use Policy and does not interfere with job performance.

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POLICY TITLE: ATTENDANCE & PUNCTUALITY

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.09

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To ensure the punctual and consistent work attendance of City of Duncanville employees.

POLICY:

Dependability, attendance, punctuality, and a commitment to do the job right are essential at all times. Time is considered an intangible City resource and misuse of it disrupts operations. Employees are expected to report for work promptly and to work all scheduled hours and any required overtime. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated and will result in disciplinary action (*see Policy HR 5.02*).

“Excessive” can be defined in many ways. One definition of excessive attendance misuse of leave time is defined as using leave time as it accrues. For example, full time general employees earn 96 hours per year of sick leave at a rate of 8 hours per month. Use of more than 96 hours of sick leave in a year snapshot is grounds for disciplinary action up to and including termination following the City’s progressive disciplinary system (*see HR Policy 5.02*). An exception to this example is an FMLA qualifying illness or an extended illness as documented by a doctor.

A. Notifications

An employee must notify their supervisor as far in advance as possible or no later than fifteen (15) minutes before their scheduled start time if anticipating being late or absent. This policy applies for each day of absence, unless on approved vacation, FMLA, or other approved leave. A record of absenteeism and tardiness shall be kept by the supervisor. Unauthorized or excessive absences or tardiness may result in disciplinary action up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved.

B. Failure to Notify

Employees who fail to make the proper notifications in accordance with department policy will not be allowed to use leave time and will receive leave without pay for that day. Exceptions may apply in emergency situations.

Employees who are absent from work for three (3) consecutive days, without giving proper notice, will be considered to have abandoned their job and will be terminated.

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POLICY TITLE: POLITICAL ACTIVITY

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.10

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

POLICY:

City employees will not be appointed, retained, promoted, or otherwise effect the terms and conditions of employment on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. No City employee is prohibited from becoming a candidate for public office. However, City employees may not:

- Publicly endorse or campaign in any manner for any person seeking a City public office.
- Use the employee's position or office in order to gain support for any candidate from employees or citizens.
- Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election, or a nomination for any public office.
- Make, solicit or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council, or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe upon the rights of an employee to seek office himself/herself, express his or her opinions, and cast his or her vote.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable item to any person for City election purposes, except as permitted by law.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, *e.g.* City of Duncanville City Council, Duncanville ISD (Independent School District), and Dallas County. Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.

Civil Service employees shall be covered by the rules governing political activity in chapter §143 of the Local Government Code.

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POLICY TITLE: MINIMUM DRIVING STANDARDS

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.11

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To minimize the City of Duncanville's liability, limit the City's financial risk, and maximize the safety of drivers, passengers, and the public by defining minimum motor vehicle standards for employees who operate City vehicles or motorized equipment.

DEFINITIONS

City Vehicle means any passenger car, van, truck, motorized equipment, or similar type vehicle which is owned, leased, borrowed, rented, or otherwise under the care, custody, or control of the City of Duncanville.

Driving Records include the complete driving history of an employee for the previous three (3) years, as can be discerned from any official records or by self-disclosure during the hiring process.

Motorized Equipment includes, but is not limited to, backhoes, bulldozers, mower tractors, loaders, graders, or other motor driven equipment.

Moving Violation is a violation of any law relating to the operation of a motor vehicle, other than parking. (Example: speeding, running a stop sign or signal, failure to yield, etc).

Occupational License is a temporary driver's license issued by the Texas Department of Public Safety after the appropriate judge of a court has signed a petition/court order determining essential need of a person to operate a motor vehicle in performance of their occupation or for transportation to and from the place at which a person practices their occupation.

POLICY:

This policy shall apply to:

- City employees who must maintain a current and valid Texas Commercial Driver's License (CDL) as a condition of employment; or
- Applicants and City employees in positions which require the operation of City vehicles or motorized equipment.

The Human Resources Department shall conduct periodic Motor Vehicle Record (MVR) checks on all employees subject to this policy. Under no circumstances shall an Occupational Driver's License or similar license be deemed appropriate for operating City vehicles or motorized equipment.

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Applicants for a position requiring a valid driver's license must possess a valid driver's license and will be subjected to motor vehicle driving record screening upon conditional offer of employment. If an applicant chosen for hire is moving from out of state, he or she may be given a 60 day grace period to obtain a valid Texas driver's license issued by the Texas Department of Public Safety. An applicant with a Motor Vehicle Record that indicates a pattern of violations may not be considered for employment.

A. Consequences

Employees subject to this policy who are convicted of a DWI or DUID will be terminated, however the City may take disciplinary action prior to conviction. Disciplinary action for all other violations that add up to 10 points by the *Motor Vehicle Standard*, listed in section C of this policy, will be based on evidence of arrest or basis of citation and may disqualify the employee from all driving and/or operation privileges and subject them to disciplinary action up to and including termination. Removal of driving privileges or disciplinary action may occur while an employee is waiting for adjudication. Determination of removal of driving privileges and/or disciplinary action while waiting for adjudication shall be made by the Department Director in concurrence with the Human Resources Director on a case-by-case basis.

An employee subject to this policy who is involved in an accident in a City vehicle may immediately be subject to drug and alcohol testing as well as a Motor Vehicle Record check. In addition, the City may review and consider an employee's three year driving history at any time to determine if further disciplinary action is appropriate based on a pattern of violations/accidents. The City may impose discipline and/or disqualify an employee from all driving and/or operation privileges in situations where an employee has accumulated fewer than 10 points in 3 years (see subsection C of this policy). Such decisions will be made jointly by the Department Director, Human Resources Director, and City Manager or designee. Nothing herein shall be construed to limit a department from setting higher standards as needed to meet the particular needs of that department.

Employees hired prior to the effective date of this policy and who would become ineligible to operate City vehicles upon the adoption of this policy may be disqualified from driving privileges. This decision will be made on a case-by-case basis upon the recommendation of the Department Director, Human Resources Director, and City Manager.

B. Notifications

Employees subject to this policy shall notify their Department Director by the end of the department's next working day when:

1. They are arrested and charged with DWI, DUID, or any other serious moving violation that would result in a 10 point violation by the *Motor Vehicle Standard* listed in section C of this policy;
2. They have their driver's license suspended, canceled, or revoked;
3. When their license expires without immediate renewal; or
4. When an Occupational Driver's License or similar license has been issued to them.

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

As required by the U.S. Department of Transportation, employees who are required by the City to hold a Commercial Driver's License (CDL) as a condition of employment must notify the City and the Texas Department of Public Safety within thirty (30) days of a conviction for any traffic violation (except parking violations), even if the violation did not occur while operating a commercial vehicle.

C. Motor Vehicle Standard

Applicants for, or employees in, a position requiring the operation of City vehicles and motorized equipment may be ruled ineligible for driving/operating privileges if the total points assigned to their driving record during the past three (3) years is 10 or more, based on the following point schedule:

OFFENSE	POINTS
License Suspension, Revocation	10
DWI or DUID	10
Any Serious Moving Violation (i.e. reckless driving, hit and run, endangering the lives of others, racing, etc.)	10
Causing Serious Bodily Injury or Death	10
Any Speeding Violation	3
Any Standard Moving Violation (i.e. stop sign, lane crossover, failure to signal, failure to keep right, following too closely, etc.)	2
Any Chargeable * Property Damage	2

- Chargeable is an accident or injury where the employee is responsible for the accident or "at fault", as determined by the police report and/or investigation. Non-chargeable is involvement in an accident where the employee is not responsible for it or not "at fault".

D. Red light camera violation:

The City of Duncanville utilizes a red light camera system located at various intersections throughout the city limits. The purpose of the Red Light Enforcement Program is to ensure drivers are adhering to the proper traffic laws and stopping at red lights.

If any employee of the City of Duncanville is issued a red light ticket, regardless of whether they are driving their personal vehicle or a City vehicle, it is the employee's responsibility to pay for the ticket or be subjected to collections. Employees are not exempt from following proper traffic and safety laws. Drivers of emergency vehicles not dispatched on emergency calls will also be held responsible for any red light issued tickets.

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The only exceptions to this section are emergency vehicles dispatched on emergency calls, running with flashing or emergency lights.

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POLICY TITLE: CODE OF ETHICS – Conflict of Interest

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.12

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To define ethical conduct for employees.

POLICY:

It is the policy of the city, as passed by City Council and recorded in the City of Duncanville Code of Ordinances, Chapter 2 – Administration, Article III, that “the proper operation of democratic government requires officers and employees to be independent, impartial, and responsible only to the people of the City; that no officer or employee shall permit any interest, financial or otherwise, direct or indirect, or engagement in any business, transaction, or professional activity to conflict with the proper discharge of his/her duties in the public interest; that public office will not be used for personal gain; and that the City Council at all times shall be maintained as a nonpartisan body. To implement such a policy, the City Council deems it advisable to enact a code of ethics for all officers and employees, whether elected or appointed, paid or unpaid, to serve not only as a guide for official conduct of the City’s public servants, but also as a basis for discipline for those who refuse to abide by its terms, the overriding interest being that officers and employees of the City shall at all times strive to avoid even the appearance of impropriety.”

STANDARDS OF CONDUCT – EMPLOYEES

No employee of the City shall:

1. Have a financial interest, direct or indirect, in any contract with the City, nor shall be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, material, supplies, or service, except on behalf of the City as an employee. Financial interest of a relative shall constitute an interest of the employee.

The “financial interest” contemplated under this paragraph and under Section 10.02 of the City Charter requires that the employee receive an actual financial benefit from the transaction with the City. An actual financial benefit from the transaction shall not include:

- a) An ownership in the entity transacting business with the City where the ownership interest is less than one percent; or
- b) Compensation as an employee, officer, or director of the entity transacting business with the City where such compensation is not affected by the entity’s transaction with the City.

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2. Participate in a decision on any matter in which the employee has a financial or private interest.
3. Represent or appear on behalf of the private interests of others before any agency of the City or any City board, commission or committee, nor shall he/she represent any private interest of others in any action or proceeding involving the City, nor voluntarily participate on behalf of others in any litigation or municipal court proceeding to which the City might be party.
4. Accept, directly or indirectly, any gift, favor, privilege, or employment from any person that might reasonably tend to influence him/her in the discharge of his/her official duties, or grant in the discharge of his/her official duties any improper favor, service or thing of value. The prohibition against gifts shall *not* apply to:
 - a) an honorarium in consideration for services, unless the employee would not have been asked to provide the services but for the employee's position;
 - b) meals, lodging, and transportation in connection with services rendered by the employee at a conference, seminar, or similar event that is more than merely perfunctory;
 - c) complimentary copies of trade publications and other related materials;
 - d) attendance at hospitality functions at local, regional, state, or national association meetings and/or conferences;
 - e) any gift which would have been offered or given to the person if such person was not an employee of the City;
 - f) an occasional item with a value of less than fifty dollars (\$50).
 - g) T-shirts, caps, and other similar promotional material;
 - h) meals, lodging, and transportation in connection with a seminar or conference at which the employee is providing services;
 - i) gifts as a result of of kinship or a personal, professional, or business relationship independent of the employee's status;
 - j) complimentary attendance at political or charitable fundraising events;
 - k) meals, lodging, transportation, and entertainment furnished in connection with public events, appearances, or ceremonies related to official City business, if furnished by the sponsor of such public events;
 - l) loan(s) made in accordance with the ordinary course of the lender's business; and
 - m) an occasional meal, where public business is discussed.
5. Use his/her official position to secure special privileges, benefits, or exemptions for himself/herself or others.
6. Grant any special consideration, treatment, or advantage to any citizen, individual, business organization, or group beyond that which is normally available to every other citizen, individual, business organization, or group. This shall not prevent the granting of fringe benefits to City employees as a part of their contract of employment or as an added incentive to the securing or retaining of employees.

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7. Directly or indirectly use any information or disclose confidential information gained solely by reason of his/her employment for his/her own personal gain or benefit, or for the private interest of others.
8. Engage in any outside activities which will conflict with or be incompatible with the duties assigned to him/her in his/her employment with the City, or in which his/her employment in the City will give him/her an advantage over others engaged in a similar business, vocation, or activity.
9. Accept other employment incompatible with the full and proper discharge of his/her duties and responsibilities with the City, or which might impair his/her independent judgment in the performance of his/her public duty, or which might be in violation of state law.
10. Receive any fee or compensation for his/her services as an employee of the City from any source other than the City, except as may otherwise be provided by law. This shall not prohibit him/her performing the same or other services for a private organization that he/she performs for the City if there is no conflict with his/her duties and responsibilities.
11. Use the influence or prestige of his/her position or title as an employee of the City for or against any candidate for any elective office of the City, but shall at all times maintain the nonpartisan policy of the City, provided that all employees are encouraged to register and vote as they may choose in all local, state, and national elections.
12. Be prohibited from participating in any political process solely in his or her individual capacity as a private citizen.
13. Knowingly perform or refuse to perform any act to deliberately thwart the execution of lawful City ordinances, rules, or regulations, or the achievement of lawful City programs.
14. Use City supplies, equipment, personnel, property, or facilities for any purpose other than the conduct of official City business, unless otherwise provided for by law, ordinance or City policy.

COMPLAINTS AGAINST EMPLOYEES – PROCEDURES

All complaints or allegations of a violation of the Code of Ethics against an employee of the City should be made in writing to the director of the department in which the employee is employed. If the individual making the complaint or allegation prefers to stay anonymous, may use the City's fraud hotline by calling 1-855-858-3344 or go online at www.intergrareport.com. See *Policy 5.13 Fraud* section H. for further information on reporting.

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VIOLATIONS – EMPLOYEES

- A.** The failure of any employee to comply with this policy or the violation of one or more of the standards of conduct set forth in this policy which apply to that person shall constitute grounds for disciplinary action up to and including termination.

- B.** If the City Manager determines that a person is in violation of this policy, the City Manager may direct the City Attorney to initiate whatever legal action is necessary to seek enforcement of its provisions.

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POLICY TITLE: FRAUD

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.13

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To facilitate the development of controls that will aid in the detection and prevention of fraud, defalcation, misappropriation, and other similar forms of illegal or unethical conduct against the City of Duncanville. It is the intent of the City to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and the conduct of investigations.

POLICY:

This policy applies to any irregularity or suspected irregularity involving employees, consultants, vendors, contractors, outside agencies doing business with employees of the City, and/or any other persons with a business relationship with the City. This policy is to be read and administered in conjunction with the Code of Ethics. For employees of the Police Department subject to that department's internal regulations, rules, and general and special orders, the departmental rules, regulations, and general and special orders will take precedence over this policy unless otherwise directed by the City Manager.

City Department Directors are responsible for the detection and prevention of fraud, misappropriation, and other irregularities. Any irregularity that is detected or suspected must be reported immediately to the Human Resources Director, Finance Director, or the City Manager. The City Manager is responsible for coordinating all investigations with the appropriate internal and external authorities.

Reporting fraud procedures see Section H of this policy.

A. ACTIONS CONSTITUTING VIOLATION

For the purposes of this policy, "fraud" is defined as an intentional false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her benefit or detriment.

The terms "defalcation," "misappropriation," and other fiscal irregularities that fall within the scope of this policy refer to, but are not limited to:

- Acts of fraud;

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- Any dishonest or fraudulent act or conduct;
- Misappropriation of funds, securities, supplies, City property, or other City assets;
- Impropriety in the handling or reporting of money or financial transactions;
- Accepting, directly or indirectly, any gift, favor, benefit, privilege, or employment from any person that might reasonably be expected to influence him/her in the discharge of his/her official duties, or granting in the discharge of his/her official duties any improper favor, service, or thing of value or benefit;
- The willful destruction, removal, or inappropriate use of municipal records, furniture, fixtures, equipment, or any other City property.

Each member of management should be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. If there is any question as to whether an act or conduct constitutes fraud, contact the Human Resources Director or City Manager for guidance.

B. OTHER IRREGULARITIES

Irregularities concerning an employee's moral, ethical, or behavioral conduct should be resolved by departmental management and the Human Resources Director or City Manager.

C. INVESTIGATION RESPONSIBILITIES

The Finance Department has the primary responsibility for the investigation of all suspected violations of this policy. Police Department may be involved or handle the investigation if warranted. Any investigative activity required will be conducted without regard to the suspected employee's length of service, position/title, or relationship to City of Duncanville. If the investigation substantiates that a violation has occurred, the City Manager may take such action as may, under the circumstances, be appropriate, and may issue reports to appropriate designated personnel and to the City Council through the City Council Audit Committee.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and the City Manager, as will final decisions on disposition of the case. A finding that an employee has violated this policy may result in appropriate disciplinary action up to and including termination.

D. CONFIDENTIALITY

In conducting investigations of alleged violations of this policy, the Finance Director and Human Resources Director will treat all information received as confidential, subject to the provisions of the Public Information Act. Any employee who suspects that another person may have violated the terms of this policy shall notify either the Finance Director or Human Resources Director immediately and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected violations. See Section F of this policy for reporting procedures.

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Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know, unless required by law or court order.

E. AUTHORIZATION FOR INVESTIGATING SUSPECTED VIOLATIONS

The Finance Director or Human Resources Director will have:

- Free and unrestricted access to any and all City records and premises under the ownership and control of the City; and
- The authority to examine, copy, and/or remove any or all portions of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any items or facilities, as permitted by law and related to the scope of the investigation.

F. REPORTING PROCEDURES

Great care must be taken in the investigation of suspected improprieties so as to avoid mistaken accusations or alerting suspected individuals that an investigation may be under way. An employee who discovers or suspects violations of this policy shall contact the Finance Department or Human Resources immediately. If preferred, an anonymous report may be made by calling the Fraud Hotline, as described in Section H of this policy. The reporting individual may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the City Manager. No information concerning the status of an investigation will be disclosed.

The reporting individual should be informed of the following:

- Do not contact the suspected employee in an effort to determine facts or demand restitution.
- Do not discuss the case, facts, evidence, or allegations with anyone unless specifically asked to do so by the City Manager, Human Resources Director, or City Attorney.

G. ADMINISTRATION

The Finance Department and the Human Resources Department are responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed and revised as needed.

H. FRAUD HOTLINE

The City of Duncanville has established a fraud hotline using a third-party company, BKD, to receive calls and reports. BKD's Integra Report is an anonymous fraud and ethics reporting hotline available to employees 24 hours a day, 7 days a week, 365 days a year. The hotline is accessible via toll-free phone number at **855.858.3344** and online at **www.IntegraReport.com** in both English and Spanish.

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Integra Report is available to all employees and gives personnel an opportunity to address any potential fraud or ethical breaches of the City's policies and procedures in a confidential manner, without the fear of retaliation. The hotline is not intended to be used to report personality differences with co-workers, annoying personal habits of co-workers, or opinions regarding management decisions that have already been made. The types of issues that may be reported through the hotline include suspected fraud, theft, embezzlement, accounting or auditing irregularities, bribery, kickbacks, misuse of City assets, falsification of time worked or expense reimbursement, accepting inappropriate gifts from vendors, operating a private business during working hours, suspected regulatory or compliance violations, or other ethics-related issues.

Upon completion, submissions to the hotline are sent to the designated members of management and are handled internally, unless outside assistance is required. Retaliation against any individual making a report in good faith to the hotline will not be tolerated.

Reports may be made anonymously; however, if contact information is provided in the report, such information will be transcribed verbatim and provided to management. Contact information included in a report may be used to provide feedback on the incident or for follow-up with the complainant if further information is needed.

1. How to use the Integra Report hotline

Individuals may access the hotline via toll-free phone number or web portal at any time. The complainant will be asked to provide the name of the organization (City of Duncanville), subscriber code (Duncanville), and details regarding the incident which they are reporting, including dates and the names of those involved.

The toll-free hotline is operated through a bifurcated, pre-recorded message. Completion of two separate recordings is required to successfully complete a verbal report. The web portal requires the completion of a series of online content fields, with the ability to upload supporting evidence, such as a picture or video, to substantiate the claim.

If you have any questions regarding the Integra Report hotline service, please contact Finance Director Richard Summerlin at 972-780-5005 or rsummerlin@ci.duncanville.tx.us at any time.

2. Confidentiality statement

Confidentiality of the reports, as well as the identity of the individual making the report, will remain confidential to the maximum extent possible. We cannot guarantee the complete confidentiality of the report or reporter if we are required to release documentation in association with the Public Information Act or a Court issued subpoena, administrative or audit requirement, court order or similar judicial process. The reporter will only be contacted by the organization in regard to a report left through the hotline if it is specifically requested in the submission and appropriate contact information is provided.

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POLICY TITLE: WHISTLEBLOWER

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.14

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to provide protection for employees from adverse action, when, in good faith, they report activities of an illegal, dishonest, or unethical nature, which would violate Federal, State, or local laws, City ordinances, City's Code of Ethics, or City's Code of Conduct.

POLICY:

A whistleblower as defined by this policy is an employee of the City of Duncanville who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws, fraudulent financial reporting and/or discrimination-based behaviors and activities towards a protected class and/or retaliation. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas: 1) confidentiality and 2) against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The City of Duncanville will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact their Department Director or Human Resources Director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

FILING A REPORT:

Employees have 3 avenues for filing a report or grievance.

- For anonymous reporting on fraudulent and/or unethical activity, see *Policy 5.13 Fraud*.
- To file an official grievance, see *Policy 6.14 Grievances*.
- To make report of sexual harassment or any other unlawful harassment and/or discrimination or retaliation based on a protected class as defined by law, see *Policy 5.06 Sexual and Other Unlawful Harassment*.

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POLICY TITLE: USE OF CITY LOGO

DEPARTMENT: Human Resources

Policy Chapter: Standards of Conduct

Section Number: HR 5.15

Approved Date: 10-01-2020

Approved By: 

Effective Date: 10-01-2020

Revision Date:

PURPOSE:

To establish a policy and procedures regarding the use of the City of Duncanville's official logo. The logo is considered a symbol of and jurisdiction of the City and, as such, is a valuable asset of the City and its citizens. This policy desires to ensure that only appropriate uses are made of the City's logo. (See City of Duncanville Logo Standards document)

POLICY:

A. The City of Duncanville logo is the property of the City, used for identifying City programs, initiatives, partnerships and sponsorships.

B. The City logo shall be used for official purposes only, or as authorized by the City Manager or designee.

C. No person shall use a symbol that imitates the City logo, or that may be mistaken therefore, that is designed, intended or likely to confuse, deceive or mislead the public, for private or commercial purposes, or for any purpose other than for the official business of the City, without written authorization from the City Manager or designee.

D. No person shall use the City logo for purposes of supporting or opposing the nomination or election to any City or other public office of himself or herself or any other person, or for purposes of supporting or opposing any ballot measure, nor include such City logo on any writing distributed for purposes of influencing the action of the electorate or any part thereof, in any election.

E. The City logo may be used on City buildings, elected official pins, City business cards, City letterhead, resolutions, awards and other formal places.

F. Use of the official City logo may be used in general connection with official City of Duncanville brochures, publications, insignias, postings, website, painting, pamphlets and City of Duncanville promotional materials. It will also be used on vehicles, equipment and fixtures such as signage.

G. If used by an outside organization upon the approved, written consent of the City Manager or designee, the logo must remain in its entirety with no alterations. Elements may not be isolated and/or used alone or in combination with any other art. Specific sections may not be highlighted with other colors. Resolution must be clear when enlarged or reduced for reproduction.

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H. All non-City usage, including non-profit usage, requires City authorization.

I. On occasion, the City will authorize the usage of the City logo for signature events or other promotional measures that benefit the community. Any such approval should be considered for the specific event, time and use so approved. Prior approval of a use shall not constitute approval for any future or recurring use.

PROCEDURES

A. Any organization wishing to use the official logo shall make an application for such use to the City Manager's office on the application form approved or amended by the City Council.

B. The City Manager or designee shall review such applications and determine whether the applicants should be approved or denied.

C. Denials

- a. In the case of a denial, an organization may make a written appeal of the City Manager's decision within fourteen (14) days of the City Manager's decision to the City Council. Appeals shall be made in writing and submitted to the City Secretary's office.
- b. The appeal shall be placed on the next available City Council agenda.
- c. The City Council may affirm the City Manager's decision or direct the City Manager to allow the usage of the logo. The decision of the City Council shall be final.

RESPONSIBILITY FOR ENFORCEMENT

The City Manager or designee has responsibility for the enforcement of this policy.

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POLICY TITLE: BREAKS

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.01

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to define permissible break times and practices.

POLICY:

The City may allow rest breaks, as authorized by an employee's immediate supervisor, during the course of each work day to prevent undue fatigue.

PROCEDURE

A. Rest Breaks: Full-time, non-civil service employees may, depending on individual departmental work schedules and the discretion of the supervisor, take up to two fifteen minute paid breaks each day, one during the first part of the work day and the other during the latter part of the work day. Breaks may not be combined. Time spent on rest breaks will be calculated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

For Police or Fire Department Public Safety employees, please refer to departmental policies in regards to breaks and meal periods.

B. Meal Periods: Full-time employees are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during meal breaks. Employees may not extend meal breaks beyond their assigned period.

C. Break Time for New Mothers: Nursing mothers will be provided with reasonable paid break time to express breast milk for up to one year after the birth of a child, in accordance with applicable law. If an employee needs time beyond the usual lunch and break times, the employee may use vacation or flex her time as approved by her supervisor. Employees and supervisors are expected to agree in advance upon a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have an exclusive or solely private office may use it if they prefer.

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

E. Practices Not Permitted: The following practices are not permitted uses of rest breaks:

- combining two daily rest breaks into one thirty (30) minute rest break;
- "banking" break period time from day to day;
- saving break period time to extend lunch periods or shorten the scheduled work day; or
- requesting overtime pay for work performed during break period time.
Meal periods are not considered a "break" for the purpose of this section.

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POLICY TITLE: DRESS CODE

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.02

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To establish guidelines to assist employees in conveying the best and most professional image possible to the citizens, vendors, and customers of Duncanville, and to maintain safety standards.

WORK APPAREL:

Clothing worn should be neat, clean, and in good repair. Items of clothing or jewelry that are identified as unprofessional in appearance or that become a safety hazard, as determined by the activity manager or Department Director shall not be worn.

The City Manager may adjust the dress code for specified occasions, weather conditions, or any other reason deemed appropriate.

Office Employees (Non-Uniformed)

In general, all non-uniformed office employees are expected to dress in business casual attire. A higher standard of dress is recommended when attending City meetings and business functions. Jeans are acceptable on Fridays, and other work days when approved by the City Manager.

- Males – appropriate dress includes polo and full button collared shirts; if a shirt is designed to be tucked in, please do not wear it untucked; pants may include dress slacks and plain khaki; dress-type, athletic, and canvas shoes are permitted.

Examples of inappropriate dress for males include T-shirts (unless approved by the City Management), sleeveless shirts, shorts, saggy pants, and jeans with holes.

- Females – appropriate dress includes dresses, skirts, dress slacks, casual slacks and khaki pants, leggings when accompanied by an appropriate top to cover to mid-thigh, and capris; polo shirts, blouses, sweaters, sleeveless tops and sundresses when accessorized to be business casual appropriate; dress-type, sandals, athletic, and open-toed shoes are permitted. Flip-flops or thongs of any kind are not allowed.

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Examples of inappropriate dress for females include T-shirts (unless approved by the City Manager), shorts, sweat suits, jeans with holes (designer or poor condition), yoga pants and sleeveless tops and blouses that are low-cut, bare midriff, and/or see-through.

- Jewelry –appropriate forms include earrings, ear studs, and nose ornaments, provided the ornament is small and does not attract attention. Any other form of piercing or body jewelry visible to the public is not appropriate.

Please see pictures below of appropriate versus inappropriate clothing.

LEGGINGS

How to wear leggings...



JEANS

Ladies

Men



YES

NO

NO



NO



YES

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Uniformed Employees

Uniformed Employees are employees required to wear a uniform as a part of their job. These include field, Recreation Center, Fieldhouse, Police, and Fire employees.

- Uniform shirts will be tucked in as appropriate. Tank tops, muscle shirts, webbed, or netted shirts shall not be worn as an exterior garment or in place of a uniform. At no time will an employee work without a shirt.
- If a uniform is not available due to shortage, an employee should wear work pants or jeans in good condition with a solid color T-shirt or work shirt. The Activity Manager shall approve substitute work apparel.
- Headwear, whether City provided or employee owned, may be worn out in the field to provide protection from the weather and sun. Appropriate headwear includes, but is not limited to, brimmed hats, ball caps, cowboy hats, beanies, breezer, and bucket hats. Headwear displaying offensive graphics and/or words, as determined by the Activity Manager, is not appropriate.
- City uniforms shall be worn only while on duty or to and from work. In no case may City uniforms be worn while working at employment outside the City or for after-hours activities.
- Necklaces may be worn; however, if they hang below the first shirt button, they must be worn inside the shirt as it may be a safety hazard.
- Employees shall wear a City uniform or substitute a City logo shirt, which must be clean and in serviceable condition at the beginning of each assigned work shift.
- Jackets and coats shall be clean and in good condition, and have no printed pictures or materials on it other than a manufacturer's logo.
- Employees shall be required to wear certain safety-related items which pertain to the job they are doing. These items shall be worn as directed by the Activity Manager.
- Uniform shorts may only be worn when it is determined to be appropriate for the position by the Department Director.
- Recreation Center and Fieldhouse employees will be required to wear the City assigned uniform as designated by the Recreation Superintendent and Fieldhouse Manager. Based on the event, appropriate dress, including shirts, pants, shorts, and footwear, may be modified at the discretion of the manager.

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- Fire and Police personnel shall follow the guidelines determined by departmental policy and approved by the City Manager.

TATTOOS

Tattoos are viewed as a form of art and self-expression, and are widely acceptable in our culture. It is not the City's desire to suppress this form of self-expression. Tattoos may be kept visible to the public while on duty as long as they do not contain offensive graphics, symbols, and/or words. Any inappropriate tattoos, as determined by the Activity Manager and/or Department Director, shall remain covered at all times while on duty or in City uniform. Police and Fire personnel should refer to department policy on tattoos.

PERSONAL HYGIENE

Employees shall appear neat, with hair combed. Common personal hygiene practices will be followed.

Beards or mustaches shall be neatly trimmed and groomed.

Hair shall be at a workable and safe length. Long hair shall be netted or banded as a safety precaution, as determined by the Activity Manager or Director.

Police and Fire employees should refer to the department's rules and procedures for further guidelines.

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POLICY TITLE: INCLEMENT WEATHER – EMERGENCY CLOSING

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.03

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to define emergency closings and employee leave due to inclement weather.

POLICY:

Except for extraordinary circumstances, City offices **DO NOT CLOSE** for inclement weather. All City employees, whether essential or nonessential, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations. If weather conditions or other emergency situations were to occur that the City Manager declared City offices/departments to be closed, department heads will receive the notification directly. Department Heads will make the necessary notifications to department supervisors to notify their employees. For conditions such as snow and ice, the City Manager will attempt to make a declaration by 6 AM. The PIO, Public Information Officer, will receive notification and contact all the appropriate media outlets.

A. CITY OFFICES – NOT CLOSED – LEAVE TIME

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed, if possible, or charged to vacation or other banked leave such as Bonus, Birthday, unused Holiday. Sick leave or emergency leave cannot be used. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have no accrued vacation or other banked leave time available will not be paid for the time missed.

The Department Director or the designated supervisor is responsible for ensuring adequate staffing while City offices are open for business during inclement weather or emergency conditions. Any City service(s) that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

B. CITY OFFICES – CLOSED – REGULAR PAID TIME

If the City Manager declares offices to be closed, all affected personnel, i.e., those non-essential Full Time, Part Time, and seasonal employees who were scheduled to work during the time of closure, will be granted regular pay for the time the office/department is closed. An employee off

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of work due to previously scheduled vacation or sick leave WILL NOT be given regular pay and will be charged leave.

Essential personnel must report to work even when other City departments are officially closed due to weather or other extraordinary circumstances as designated by the Department Director and/or City Manager. Essential personnel who fail to report to work, unless excused by the Department Director or designee, may be subject to disciplinary action up to and including termination. Essential personnel are designated by their individual departments.

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POLICY TITLE: TOBACCO USE

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.04

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To define the City's policy on tobacco and electronic cigarette usage during working hours and on City property.

POLICY:

The City's policy is to provide a smoke free workplace. Smoking is prohibited in City buildings, or outdoors within twenty-five (25) feet of any entrance utilized by employees or the public. Smoking is also prohibited in all City vehicles. Smoking is only allowed in designated smoking areas. Cigarette or cigar butts may not be discarded on the ground at any City facility, including parking lots. This prohibition against smoking applies to electronic cigarettes and vapors.

Chewing tobacco is also prohibited during working hours.

Employees are only permitted to leave their work station to use tobacco products during scheduled lunch or break times determined by their immediate supervisor or department director.

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POLICY TITLE: CITY RESOURCES MANAGEMENT

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.05

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To provide guidelines and expectations for the use and care of City-issued property.

POLICY:

Managing City resources efficiently and with care is good stewardship of the taxpayer's trust and funds.

City-issued property can include, but is not limited to, the following: uniforms, keys, cell phones, electronic devices, computers, safety equipment, security badges and key fobs, p-cards, travel cards, desk phones, and headsets. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties.

PROCEDURES:

Departments

It will be the responsibility of each department to designate an individual tasked with creating and maintaining an inventory of all property issued to the employee. For new employees, the designee will initiate the form and detail each and every City-issued property given to the employee. It will be the responsibility of the designee to maintain that list and update it as necessary when any new City-issued property is given or returned. Upon an employee's termination it will be the responsibility of the supervisor and the department's designee to ensure all City-issued property is returned by the employee by the last work day, if possible. The designee and supervisor will sign off on the inventory list and forward it to Human Resources to place in the employee's personnel file.

Employees

It will be the responsibility of every employee to keep up with and maintain a high level of care for all City-issued property. It is also the responsibility of the employee to communicate immediately to the direct supervisor when City-issued property is damaged, lost, stolen, or in need of replacement. In addition, employees shall promise to surrender items due for maintenance or replacement.

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Items such as keys, security badges, and key fobs can easily be replaced; however, if a frequent pattern develops with requests for replacement of these items, the City will require reimbursement for the cost of the item.

For high dollar items such as, but not limited to, cell phones, electronic devices, and computers, if a pattern of misuse or improper care becomes evident, employees may be disciplined up to and including termination. It is every employee's responsibility to use the citizens' tax dollars wisely. Frequent replacement of these resources due to negligence is a misuse of City funds.

At the time of issuance or return, employees will be required to sign off on the inventory list evidencing the receipt of property and/or equipment. Upon termination, the employee may be charged for the replacement cost of the item(s) from the final check if not returned.

Uniforms

Certain positions within the City are provided City-issued uniforms. It is the responsibility of the employee to comply with department rules and regulations for proper care and handling instructions of the uniform. It is the employee's responsibility to report any damage, loss, or need of replacement to their direct supervisor immediately. If a pattern of improper care and abuse develops, the employee may be disciplined up to and including termination.

Upon termination, all City-issued items must be returned to the department no later than the final work day, if possible.

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POLICY TITLE: UNIFORMS

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.06

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

To establish a standard regarding employee uniforms, the conduct employees must exhibit while in uniform, uniform maintenance, and the return of uniforms upon separation.

POLICY:

A. Uniforms

Employees who are required to wear uniforms will be provided new uniforms, complete with required insignia, etc., upon employment. Employees who are furnished uniforms must wear the regulation uniform while performing work for the City, except when special circumstances or work conditions exist. Employees may not wear City uniforms for other than City work. However, uniforms may be worn to and from work, when performing specific assigned or approved functions, and while running errands during lunch periods.

B. Uniform Conduct

No employee, while wearing any City attire, shall purchase, possess, or consume alcoholic beverages or drugs, except prescriptions taken as directed by a licensed physician. No uniformed employee shall use tobacco products while in contact with the public. This includes time on the job, training sessions, and time spent in City-owned, rented, or leased vehicles or equipment. Police officers who have confiscated alcohol or tobacco products within the scope of employment are exempt from this policy for that time period.

C. Uniform Maintenance

The employee will be responsible for all cleaning and care of the uniforms, unless this service is provided under a lease agreement or through a cleaning service utilized by the City. This is governed by department policy. City uniforms must be in good condition. The employee's immediate supervisor will determine whether an employee's uniform is clean and serviceable. Replacement uniforms will be furnished at the City's expense on an as needed basis and as funding allows. Supervisors are responsible for determining the need for uniform replacement. Uniforms damaged due to employee carelessness or negligence will be replaced at the employee's cost.

D. Uniforms at Termination

Employees who separate employment for any reason must return all designated uniforms and insignia issued by the City. Failure to do so will result in a deduction from the final paycheck equal to the replacement value of the item if not returned.

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POLICY TITLE: CELL PHONE USE IN THE WORKPLACE

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.07

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to promote a safe and productive work environment and increase public safety. This applies to all forms of use, including calls, texting, apps, and social media. This policy defines the acceptable usage of personal cell phones in the workplace and public information in respect to city-issued cell phones and personal cell phones used for city business.

POLICY:

The City recognizes that many employees bring cell phones, smart phones, iPads, and tablets to work. Electronic devices may belong to the employee or be provided for the employee's use by the City. The use of personal cell phones, including those with a texting, camera and/or video playing capability are permitted during work time as long as the use is minimal and does not become disruptive or interfere with their own or a co-worker's ability to perform their jobs. Personal use should be limited to break times, lunch break, and emergencies. Employees who excessively use their cell phones for personal calls on city time will be subject to misconduct. Employees who use cell phones to violate City policy, including the Sexual Harassment and other Codes of Conduct, will also be subject to misconduct in accordance with other City policies.

For the purpose of this policy telecommunication electronic devices include, but are not limited to, cell phones, smart phones, iPads, tablets, and any other electronic device capable of calls, data and app usage.

PROCEDURE:

1. Cell phones, and any other telecommunication electronic devices, shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow.
2. Employees may carry and use personal cell phones, any other telecommunication electronic devices, while at work on a limited basis. If employee's use of a personal cell phone, or any other telecommunication electronic devices, causes disruptions or loss in productivity, the employee may become subject to disciplinary action per city policy.
3. If an employee is operating a company vehicle and receives a call on a cell phone, the employee may answer, but shall ask the caller to hold, put the phone down and pull to the side of the roadway, into a parking lot or other safe location to respond to the call. Failure to follow this policy may result in disciplinary action up to and including termination.

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CITY ISSUED PHONES:

Employees with City-issued cell phones should not use City cell phones for personal phone calls or to use for personal business.

All employees must, when asked by the City, consent to a request to provide the City access to all cell phone and text message records used for City business purposes. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones.

PUBLIC INFORMATION ACT

Employees are advised that records related to calls and text messages made and received on City owned cell phones 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 disclosed and made available to the public through the Texas Public Information Act.

MONITORING OF CELL PHONE CALLS

Employees should be aware that cell phone calls, or other forms of access to data or messages, 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.

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POLICY TITLE: CITY PROPERTY AND VEHICLE USE

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.08

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE

The purpose of this policy is to define safe and acceptable use of city equipment and vehicles.

POLICY

The City does provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, or items of issued personal property appear to be damaged or defective, or are in need of repair. Any questions regarding an employee's responsibility for maintenance and care of equipment used on the job shall be directed to a department supervisor. Improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment, including city vehicles, may result in disciplinary action, up to and including termination.

A. Personal Use Prohibited

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

B. Tobacco Use Prohibited

The use of all tobacco products of any kind, including chewing tobacco and smokeless electronic cigarettes, is prohibited at any time in City buildings and other facilities, in City vehicles, while using City equipment, and as otherwise directed. Employees are welcome to smoke on their rest breaks outside of the building in designated smoking areas. Smoke breaks which are excessive in frequency or length will be treated as an attendance issue.

C. Use of City Vehicles

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

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1. Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in driving status. See *Policy 5.11 Minimum Driving Standards*
2. Always observe all state and local traffic and related laws.
3. Always wear seat belts when the vehicle is in operation.
4. No use of any electronic device, texting, or talking while operating a vehicle.
5. No passengers, other than City employees or other individuals on City business, may ride in a City vehicle unless otherwise approved in advance by the Department Director.
6. No personal use of City-provided vehicles is allowed without the prior, specific approval of the Department Director.
7. All maintenance and use records for City vehicles must be completed as directed.
8. Immediately report any broken, missing, or worn parts, tires, or any other mechanical or maintenance related issues of City vehicles to the appropriate supervisor.
9. Under no circumstance are keys to be left inside and vehicles running when the operator is more than 10 feet from the vehicle. No vehicle shall be left unattended and idling for any reason. The operator must remove the keys and secure the vehicle if going to the door of or inside a residence or business to meet with a customer.
10. All vehicles are to be locked and secured when not in use, during business and non-business hours.
11. All drivers must be eligible for coverage under the City's liability insurance policy.
12. Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.
13. At no time may an employee under the influence of alcohol or presence of illegal drugs in their system, drive a city vehicle or a personal vehicle while conducting city business.
14. Employees involved in an accident while operating a city vehicle, or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, Department Director, and/or City Manager. Accident Reports, along with any law enforcement report, must be filed by the supervisor of the employee with the Department Director and Human Resources. Accidents may be subject to mandatory drug/alcohol testing. See *Policy 5.04 Drug and Alcohol Use – DOT; Policy 6.11 Accident Reporting and Procedures*.

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15. While operating a personal vehicle on City business, weapons must be kept locked away and out of sight. Employees, with the exception of a licensed peace officer required to carry in the scope of employment, are prohibited from carrying or storing weapons in city owned or leased vehicles. See *Policy 6.09 Open Carry*.
16. City vehicles are subject to examination and/or search and therefore there are no expectations of privacy.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the employee has maintained the necessary standards and qualifications in order to continue driving privileges under this policy. See *Policy 5.11 Minimum Driving Standards*.

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

D. Personal Property

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

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POLICY TITLE: OPEN CARRY – NO WEAPONS

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.09

Approved Date: 12-23-2015

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The City strives to provide a safe and secure working environment for its employees. The purpose of this policy is to prohibit weapons in the workplace, thereby minimizing the risk of disruption, injury or harm resulting from violence to employees, property, or City activities.

POLICY:

The City of Duncanville strictly prohibits the possession of weapons by any employee while in City buildings. If an employee chooses to store a firearm or ammunition that is legal to carry without a permit (i.e. a hunting rifle) in his/her personal vehicle, it should be stored out of sight and the vehicle must be locked.

Additionally, employees who are licensed to lawfully possess a firearm and/or ammunition in accordance with Chapter 411 of the Texas Government Code, may leave such firearm/ammunition in his or her locked, privately owned vehicle in the parking lot the employer provides for employees. Employees licensed to carry concealed weapons must report to the Human Resources Manager their identity and license plate numbers of all vehicles that employee may park in City parking lots.

Employees are prohibited from carrying a weapon while performing City related business off the City's premises. If an employee uses their personal vehicle while performing City related business, weapons must be kept locked away and out of sight. This exception does not extend to city owned/leased vehicles.

EXCEPTIONS:

A peace officer who is required to carry a gun/ammunition in the scope of employment is exempt from this policy.

Weapons, according to the Texas Penal Code, are considered firearms, knives, explosives, clubs or any other item that is specially designed, made or adapted for the purpose of inflicting serious bodily injury or death. Employees who are required to use a knife as a tool in the scope of employment may carry a work knife.

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INFORMATION FOR EMPLOYEES ABOUT THE PUBLIC AND OPEN CARRY:

A CHL, concealed handgun license, holder can generally open carry in public, however carrying weapons will not be allowed in areas that specifically have a posted sign prohibiting weapons.

PLEASE NOTE:

Only a licensed peace officer(s) may question a person who is openly carrying as to whether they hold the proper license.

EMPLOYEES:

If you observe a person openly carrying a handgun and that person is causing a disturbance or behavior that raises concern for safety:

1. You should contact your supervisor or manager first for guidance if there is not an imminent threat.
 - a. For City Hall, the manager should use the designated radio and contact the City Marshal to respond and assist, if needed, with any interaction; and/or
 - b. If a threat exists or the person openly carrying displays erratic/ concerning behavior, you (regardless of location), should:
 1. Move to a safe location;
 2. notify a supervisor or manager immediately; and
 3. call 911 to alert police so that they may dispatch assistance to the site.

MANAGERS:

Department Managers, or designee, are responsible for ensuring that employees comply with provisions of this policy and to manage issues that arise relating to open carry.

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POLICY TITLE: SAFETY AND RISK MANAGEMENT

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.10

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE

The purpose of this policy is to establish guidelines for safety and risk management.

POLICY

The City of Duncanville is committed to providing a safe and healthy work environment for all employees. Safety is the responsibility of every employee and its success depends on the alertness and personal commitment of everyone. It is the responsibility of all employees to adhere to best safety practices and department protocols.

The Human Resources Department oversees Safety and Risk Management, which includes (1) Accident and Property Damage claims; (2) On-the-job injuries; (3) Safety training and programs. This policy applies to all employees, contract laborers, and volunteers under the City's direction.

GUIDELINES:

A. Report of Accident

The City will take all practical steps to eliminate or reduce an employee's exposure to accidental injury or to conditions that would be injurious to their health. In the case of accidents resulting in injury, employees must immediately complete a Report of Employee/Injury/Accident/Incident form. Employees must submit the form to the immediate supervisor as soon as possible. For reporting procedures, please see *Policy 6.11 Accident and Injury Reporting Procedures*.

B. Safety Training

Employees and supervisors receive periodic workplace safety training through City-initiated risk/safety procedures. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

C. Reporting Unsafe Acts

Employees shall cooperate with the City by observing reasonable safety regulations and working in a safe manner. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. If an immediate supervisor is unavailable, report to another department supervisor or use the chain of command. Employees who violate safety standards, cause hazardous or dangerous situations, fail to report, or where appropriate,

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correct such situations, may be subject to disciplinary action, up to and including termination of employment.

D. Safety Suggestions

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, another supervisor or manager, or bring them to the attention of Human Resources. Reports and concerns about workplace safety issues may be made anonymously, if the employee wishes. All reports can be made without fear of reprisal.

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POLICY TITLE: ACCIDENT/INJURY REPORTING AND PROCEDURES

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.11

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to establish the procedures for reporting accidents and injuries.

POLICY:

Reporting procedures must be followed for reporting accidents/incidents involving:

- City vehicles or personal vehicles when used for City business
- Injuries on-the-job
- Patron/Citizen accidents while on City property

PROCEDURES:

E. City Vehicles

If an employee is involved in an accident while operating a City vehicle, or personal vehicle if on City business, that results in injury or property damage, regardless of severity, the employee must:

1. Notify the local and Duncanville Police Department.
2. Insist that all parties involved remain at the scene until police arrive.
3. Notify the immediate supervisor.
4. Complete the Employee Accident Report at the earliest opportunity and submit to the supervisor.
5. Depending on the severity of the accident involving a City vehicle, employee may be required to submit to post accident mandatory drug and alcohol testing immediately within two (2) hours of the accident.

Failure to comply with the requirements, as listed above, will result in discipline up to and including termination.

Supervisor Reporting and Responsibility for Accident (Property Only)

It is the responsibility of the immediate supervisor to:

1. Interview the employee to obtain details
2. investigate the incident further to determine probable cause and make recommendations for prevention in the future

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3. Complete the *Employee Injury/Accident Report* and submit to Human Resources within 3 days of the accident.
4. Obtain the police report, if applicable and attach with the form
5. Escort the employee to post accident drug and alcohol testing immediately, if testing is required. Please contact Human Resources to arrange testing. If it is after normal business hours, please escort directly to CareNow for testing. If CareNow is closed, escort the employee to the Emergency Room for testing. The cost for testing will be at the expense of the City.

F. Injuries On-the-Job

If an employee is injured, in any way, on-the-job, the employee must:

1. Notify immediate supervisor of the accident and seek treatment if needed.

Please note no matter how minor the injury is, employees must report it to their immediate supervisor.

For injuries that result in lost time of work and/or ongoing treatment, see the *Policy 3.09 Workers' Compensation and Salary Supplement Policy* for further information and procedures.

Supervisor Reporting and Responsibility (Injury/Illness)

It is the responsibility of the immediate supervisor to:

1. Interview the employee immediately, if possible, to obtain details. Use the *Employee Injury/Accident Report* as a guideline of what details to obtain.
2. Notify HR immediately with as much details as possible, if injury is severe enough that urgent or ER care is needed.
3. Investigate the incident further to determine probable cause and make recommendations for prevention in the future.
4. Complete the *Employee Injury/Accident Report* and submit to Human Resources within 3 days of the accident.
5. If immediate treatment is needed the supervisor must contact Human Resources to arrange for authorization of treatment. If the injury is minimal, treatment can be given by first aid or the Fire Department. If treatment warrants urgent or emergency care, escort the employee to either CareNow, if open, or the Emergency Room.

G. Patron/Citizen accident on City property

Every department should have procedures in place to report accidents that involve the public. For accidents that involve patrons, citizens, customers while on City property, the manager of the department must be notified and the accident or incident documented using the *Public Incident/Accident Report* form. The purpose of this form is to ensure the accident is documented for City liability records but also to identify if the City needs to take action on repairs, changes, and to take immediate corrective measures if warranted to alleviate or provide notice of dangerous condition, in order to prevent similar accidents in the future.

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The following procedure should occur:

1. The *Public Incident/Accident Report* should be completed, as soon as possible, by the supervisor of the department, or designee; and should include at a minimum the name, address, and contact information of the customer involved.
2. The supervisor should collect statements from witnesses and the customer if possible. Take pictures of the conditions that led to the accident. For example, uneven concrete in front of the building or bleachers that had loose parts that contributed to a fall. Pictures will not be applicable in every incident but if it's evident that property conditions contributed to the cause of the incident, pictures are helpful to have on record.
3. Call 911 if emergency treatment is needed.
4. Forward the completed Incident Report to Human Resources within 48 hours of the incident.

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POLICY TITLE: MODIFIED DUTY

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.12

Approved Date: 12-28-2016

Approved By: 

Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to establish the guidelines for offering modified duty in the event of an on-the-job or off-the-job injury.

POLICY:

A modified duty assignment is a temporary reassignment of an employee with an illness, injury, or medical condition that prevents the employee from performing the essential duties of their job classification. The modified duty assignment is one that can be performed within the limitations of the employee's medical condition.

Modified duty assignments are not guaranteed, but will be granted by the Department Director when there is a modified duty assignment available and the employee is qualified to perform and fits within any limitations approved by a licensed physician for the available modified duty assignment. A modified duty assignment may be in the employee's own or another department in the City.

Factors considered by the City in making its decision include, but are not limited to:

- the nature of the employee's illness or injury
- the medical release provided in support of modified duty
- the risk that a modified duty assignment may result in aggravation of the employee's injury or illness
- the type of modified duty work available
- the length of the employee's employment with the City
- the employee's performance and disciplinary history
- whether the illness or injury occurred on or off duty

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

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A. Duration

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

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

B. Procedures for Requesting Modified Duty

1. Non-Workers' Compensation. An employee who experiences injury and/or illness that prevents the performance of his or her essential job functions may make a written request for a "Modified Duty" assignment during recuperation. An employee may request modified duty but is not required to do so. An employee who desires to return to work in a modified duty assignment must provide Human Resources with a written release from the attending physician. The release must include the following:
 - a. The date the employee may return to work in a modified duty assignment;
 - b. The type of restrictions imposed on the modified duty;
 - c. The period of time the restrictions apply;
 - d. The date of the employee's next physician's appointment;
 - e. The anticipated date of return to the employee's assigned full duty employment.

The city reserves the right, to the extent permitted by law, to require an independent physical analysis/assessment to insure that the employee is able to perform a modified duty assignment.

2. Workers' Compensation. Receipt of a completed Texas Department of Insurance, Division of Workers Compensation Work Status Report (DWC Form – 73) will constitute a request for modified duty. The city reserves the right, to the extent permitted by law, to require an independent physical analysis/assessment to insure that the employee is able to perform a modified duty assignment.

C. MODIFIED DUTY OFFER

Upon receipt of an employee request for Modified Duty, Human Resources shall review the capabilities and restrictions of the employee. A review of potential work assignments will be conducted with the employee's supervisor to determine if an assignment is available which matches the employee's training, skills and/or physical limitations as determined by the employee's physician.

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If available, a modified duty work assignment will be offered in writing by Human Resources to an injured or ill employee for a period not to exceed twelve (12) weeks if:

- a. A bona-fide work assignment exists within the city, and
- b. The physical requirements of the assignment are within the abilities documented by the treating physician; and
- c. It is approved by the Director of the Department in which the work will take place.

An offer of modified duty shall include:

- a. The location at which the employee will be working;
- b. The schedule the employee will be working;
- c. A description of the physical and time requirements that the position will entail; and
- d. A statement that the city will only assign tasks consistent with the employee's limitations as instructed by a licensed physician in writing, knowledge, and skills and will provide training if necessary.

Note: There is no obligation for the city to "create" a replacement or part time position in order to offer a modified duty assignment.

D. Responsibilities of Directors.

Department Directors shall work with supervisors to identify possible modified duty assignments when requested by Human Resources. Attempts will be made first to make modified duty assignments in the division and department in which the ill or injured employee currently works. If placement in the department is not possible, Human Resources will poll other city departments to determine if a modified duty assignment can be found based on the employee's physical abilities and skills.

E. Conditions of Modified Duty.

An employee working in a modified duty assignment is subject to all city policies and regulations and if warranted, is subject to corrective action by the employee's supervisor for the modified duty assignment. The compensation rate shall remain the same as the employee's normal rate of pay during the duration of the assignment.

As a condition of continuing in a modified duty work assignment, an employee must:

- a. Adhere to prescribed medical treatment and make reasonable efforts toward rehabilitation;
- b. Fully perform the modified duties assigned;
- c. Present to Human Resources and the employee's supervisor monthly progress reports, or after each doctor's visit, whichever is more frequent. The progress report shall state the expected date the employee is able to return to work full duty as well as any physical limitations that may impact the employee's ability to perform the modified duty assignment;
- d. Accept progressively more demanding assignments as the employee's condition improves; and
- e. Make progress in returning the employee to assigned full duty employment.

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F. Termination of Modified Duty.

The city may terminate or amend an employee's modified duty work assignment if:

- a. The employee's physician modifies the work release;
- b. The employee is found to be performing beyond the modified duty restrictions;
- c. The work assignment is completed, and no work assignment exists within the city which suits the employee's abilities and meets the limitations documented by the treating physician;
- d. The employee performs unsatisfactorily in the modified position;
- e. The employee's physician fails to release the employee as capable of performing the modified assignment upon examination;
- f. Budgetary constraints do not allow continuation of modified duty;
- g. The employee has utilized twelve (12) weeks of modified duty in a rolling twelve (12) month period;
- h. The employee fails to adhere to this policy and/or regular progress reports to Human Resources.

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POLICY TITLE: HEALTH/MEDICAL EXAMINATIONS – FIT FOR DUTY

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.13

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to outline permissible requests for medical or psychological examinations in order to determine fitness for duty.

POLICY:

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

A. Serious Health Condition/Disabilities

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

B. Medical Exams for Current Employees

The Human Resources Director or Department Director (with the prior written approval of the Human Resources Director) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment. Also the city may request such examinations to determine as whether or not a reasonable accommodation is necessary in order to determine compliance with state or federal laws. The HR Department may also require an examination following an injury or accident.

C. Medical Information from an Employee's Doctor

Under certain circumstances (e.g., FMLA Certifications), Human Resources may require employees to provide specific condition diagnosis and prognosis documentation from their health care provider. In such cases, employees are to inform their health care provider not to provide any genetic information when responding to such request.

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D. Genetic Information

In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or embryo lawfully held by an individual or family member receiving assistive reproductive services.

E. Medical Records

Medical records and sensitive information regarding an employee's health will be kept confidential as required by law. Limited information, with an executed HIPAA release, may be provided to supervisors and managers, first aid and safety personnel, government officials, Texas Workers' Compensation Commission, and as necessary for insurance and other business-related purposes.

F. Return to Work/Fitness for Duty

Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through Human Resources. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification from a licensed physician before returning to work.

G. Time Off From Work

Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family and Medical Leave, and/or other leave as circumstances warrant.

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POLICY TITLE: GRIEVANCES

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.14

Approved Date: 12-28-2016

Approved By:



Effective Date: 01-01-2017

Revision Date: 10-01-2020

PURPOSE:

The purpose of this policy is to provide employees guidelines for discussing and resolving grievance matters and procedures to follow when those matters are not resolved to the employee's satisfaction.

Grievance policies and procedures empower employees by ensuring that their voices are heard. A formal process improves employee morale, relieves immediate supervisors of ongoing disputes, and helps to ensure that disagreements or other problems are addressed in a prompt and orderly fashion.

POLICY:

The scope of a grievance is limited to the inappropriate or inconsistent application of a written policy. No employee will retaliate against a grieving employee.

DEFINITIONS:

“Business day” means any day the City is open to conduct normal business. For the purposes of this policy, it does not include the day the grievance is filed and the day the written response is given.

“Grievable Act” means conduct that constitutes an unequal and/or unlawful treatment, interpretation and/or application of City or departmental policies, procedures, or practices; and retaliation.

“Grievance” means a formal, written claim for a grievable act.

“Non-Grievable Act” is something that an employee may not submit a grievance.

Examples include but are not limited to:

1. Job or duty assignments;
2. Work schedules and shift assignments;
3. Staffing levels;

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4. Disciplinary actions (please see *Policy 5.02 Disciplinary Action Procedures* for appeal procedures);
5. Performance evaluations.

“**Grieving Employee**” is an employee who files a grievance.

PROCEDURE:

Filing the Grievance

An employee who believes to be the subject of a grievable act is strongly encouraged to discuss the matter with an immediate supervisor – minimally, in an informal manner. If the immediate supervisor cannot resolve the employee’s concerns, the employee may pursue filing a formal grievance in accordance with this policy. Nothing shall preclude the employee from filing a formal grievance initially.

An employee desiring to file a grievance must either use the *Employee Grievance Form* or complete a memorandum similar in structure to the grievance form. The grieving employee may attach documents the employee feels is pertinent to the grievance.

Investigating the Grievance

Any person who is responsible for receiving and responding to a grievance should interview the grieving employee and other applicable employees, and review as many relevant documents as necessary in order to thoroughly respond.

Three Steps of the Grievance Process

A. Step One – Activity Manager

The grieving employee must present the written grievance to the activity manager within ten (10) City business days of: 1) the grievable act; or 2) the application of policy; or 3) when the employee learned of the grievable act.

Once received, the manager shall provide a written response to the grieving employee within ten (10) City business days of receiving the grievance.

Employees who attempt to file for a non-grievable act will receive notice that the grievance is dismissed and will receive a copy of this grievance policy for guidance.

Grieving employees who are dissatisfied with the immediate or designated supervisor’s decision may appeal the decision in writing to the Department Director within five (5) City business days after receiving the supervisor’s decision.

B. Step Two – Department Director

The Department Director will schedule a meeting with the grieving employee and provide a written response to the grievance within ten (10) City business days of receiving the grievance request.

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Grieving employees who are dissatisfied with the Department Director's decision regarding the grievance may appeal the decision in writing to the City Manager within five (5) City business days of receiving the Department Director's decision.

C. Step Three –City Manager

The City Manager will schedule a meeting with the grieving employee within ten (10) days of the request. A written response to the grievance will be provided to the employee within ten (10) City business days of meeting with the employee. The decision of the City Manager is final.

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POLICY TITLE: TAKE-HOME VEHICLES

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.15

Approved Date: 01-25-2017

Approved By:

Archie R. Howell-Benavides

Effective Date: 01-25-2017

Revision Date: 10-01-2020; 6-29-2021

PURPOSE:

The purpose of this policy is to establish the rules and procedures governing the assignment, use and reporting requirements of take-home vehicles. A take-home vehicle is any vehicle that is owned, leased, rented or otherwise under the care, custody or control of the City and is taken from the City premises after normal working hours and stored overnight at an authorized City employee's home for emergency and/or on-call, callback use. Take-home vehicles are either assigned by title to an employee by the Department Director or used by employees for on-call purposes.

ELIGIBILITY:

The Department Director may recommend a take home vehicle for an employee if the following criteria are met:

- The employee is the primary operator of the vehicle (either on a daily basis or when on-call status); and
- The employee resides within 45 miles from the Duncanville city limits; and
- The employee is authorized to drive a city vehicle; and
- The employee has not had the privilege revoked.

Final approval for take-home vehicles remains with the City Manager or designee.

Police Department and the Fire Department personnel are to operate within the scope of their respective department's policies and procedures.

GENERAL PROVISIONS:

- A. City vehicles are to be used only for conducting official city business and shall only be authorized for use by personnel subject to emergency callbacks to ensure timely provision of City services during off-duty hours. Only personnel on call duty shall be allowed to take a vehicle out of the City.
- B. All city vehicles shall be left at work while on vacation or on extended leave.
- C. No city truck larger than one ton shall be allowed to be taken home.

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- D. The operation of City take-home vehicles by non-employees is not allowed and no other passengers, other than City employees, are allowed in the City vehicle unless assisting a citizen with an emergency.
- E. City vehicles shall not be used for personal business. A tax liability could be assessed if a City vehicle is used for personal business. See IRS Publication 15-B Employer's Tax Guide to Fringe Benefits - Working Conditions Benefits for further information and definitions.
- F. All precautions shall be taken to ensure the safety and security of City vehicles. This includes, but is not limited to, locking all doors and/or compartments, removing any valuables from view in the vehicle, and properly parking vehicles in accordance with applicable laws and ordinances.
- G. If an accident occurs while taking a vehicle home, the employee and their supervisor shall report the accident to their Division Manager and Department Director immediately. A drug and/or alcohol test may be administered as described in the *HR Policy 5.03 Drug Free Workplace* or *HR Policy 5.04 Drug and Alcohol Use – DOT* for CDL drivers.

PROCEDURES:

- A. Department Directors/Division Managers will prepare a written request which will indicate the individuals to be assigned vehicles, the individual's home address, the vehicle assigned and number and reason for assignment. This request will be reviewed annually by the Department Director/Division Manager and be accompanied by an acknowledgement form signed by the employee acknowledging having read and received this policy.
- B. Modifications to the take-home list will be reported to Human Resources.
- C. For security purposes all records for Police undercover vehicles will be maintained in the Police Department following approval by the City Manager.
- D. Once an on-call assignment has been approved by the Department Director, new requests are necessary only when changes in status (i.e. new employee, reorganization of duties, employee moves, etc.) occur or as part of the annual review.

Any violation of this policy may result in immediate suspension of take-home vehicle privileges and disciplinary action up to and including termination.

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POLICY TITLE: ID Badges

DEPARTMENT: Human Resources

Policy Chapter: Workplace Conditions

Section Number: HR 6.16

Approved Date: 10-01-2020

Approved By: 

Effective Date: 10-01-2020

Revision Date:

POLICY:

Purpose: To establish guidelines for the issuance of a photo identification badge to all employees and for the use of said badge by employees while at work or when representing the City of Duncanville in any official capacity, in an effort to provide a safe and secure workplace for all employees.

1. All employees will be issued a badge upon hire. For full-time employees, the ID Badge will include their name, photo, department, and job title. For permanent part-time employees, the ID Badge will have their name and job title. The badge is used to access appropriate city locations (if applicable), to clock in and out, and to print.
 - a. If an employee's job title changes, a new badge will be issued automatically.
2. Badges must be worn during working hours on a lanyard or clipped to clothing, below the neck and above the waist. Badges are issued with a clear holder and a clip; other clips, lanyards, etc. may be provided by city departments or by the employee.
3. Badges must be kept secure and in functional condition.
 - a. Placing pins, stickers, or other attachments on the badge itself is not permitted.
 - b. Badges should not be stored in cars.
 - c. Badges should not be lent to anyone.
 - d. Employees shall not use their badge to give others access to secured areas.
4. If an employee forgets their badge, they must let their supervisor know immediately. The supervisor will take appropriate action to preserve necessary access and identification of the employee for the shift. If a pattern of forgetting a badge forms, disciplinary action may be taken, up to and including termination.
5. If the badge is lost, the employee must let their supervisor know and contact IT for a replacement.
 - a. Employees shall receive one free replacement for a lost badge every three years, as tracked by IT within the security system.
 - b. If a second replacement is needed before the three years are up, the employee shall pay \$15 in cash or check. This may be given to their supervisor to be taken to Finance or turned into Finance directly.
 - i. Payment could be cash or check payable to: The City of Duncanville. Payment should be submitted to the Finance Department's Finance Administrative Assistant.
6. If a badge stops functioning, the employee must let their supervisor know and contact IT for a replacement.
 - a. A fee will only be charged if IT staff determine that the badge stopped functioning due to employee behavior.
7. Badges must be turned in to the Human Resources Department upon termination of employment.
8. If an employee is suspended, they must turn in their badge to their supervisor to be held for the duration of the suspension.

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POLICY TITLE: DEPARTMENT OF PUBLIC SAFETY BACKGROUND CHECKS

DEPARTMENT: Human Resources

Policy Chapter: Other

Section Number: HR 7.01

Approved Date:

Approved By: 

Effective Date: 3-05-2020

Revision Date: 10-01-2020

POLICY:

The purpose of the policy is to conform to the Texas Department of Public Safety guidelines for using their secure site for performing prospective employee/volunteer background investigations.

1. The City of Duncanville is granted the authority to access criminal records for unlicensed applicants based on Texas Government Code 411.1387.
2. The City of Duncanville will abide by Section 411.1387 of the Texas Code Title IV, Executive Branch.
3. The City of Duncanville staff authorized to obtain CHRI will use the guidelines in the CHRI Training Reference Manual for the steps in performing the search and download of the CHRI. The manual may be downloaded from the DPS website.
4. The City of Duncanville will provide a copy of the DPS Databases Access and Security Policy to all employees who access CHRI.
5. The Administrator for the City of Duncanville will designate who may access CHRI and who will have keys to locks on file cabinets and doors that house any CHRI materials.
6. The Administrator will verify at least annually that the contact information and level of access for all DPS database users are current.
7. The Administrator will ensure that all assigned staff will be given this policy and affirm in writing that they received and understand the language therein.
8. The Administrator will ensure that he/she logs into the DPS website at least once every 90 days to keep the accounts of all those who have access, active.
9. Assigned staff will at no time share their log in and/or password data with any other person or employee.
10. No CHRI data shall be printed. If there is a need to discuss results of a background between the Administrator and staff, that shall be done based on looking at the data on the secured computer.
11. All CCH Verifications Forms shall be stored in a binder, in date order, and locked in an HR file cabinet OR the City of Duncanville may elect to scan these and securely save them in a folder online.
12. If confidentiality of CHRI is violated the City of Duncanville's progressive disciplinary policy shall be followed with disciplinary action up to and including termination.
13. An Occurrence/Incident report will be completed and the breach will be investigated by the Administrator and any security weaknesses identified will be corrected. Incidents will be reported to DPS, and any other legal authority as required:

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a. Copy to:

Crime Records Service MCS 0232
Attn: Tina Saenz, Manager
Access and Dissemination Bureau
5805 N. Lamar Blvd.
P.O. Box 4143
Austin, TX 78765-4143

Or email to:

Tina.Saenz@dps.texas.gov

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POLICY TITLE: PANDEMIC RESPONSE

DEPARTMENT: Human Resources

Policy Chapter: Other

Section Number: HR 7.02

Approved Date:

Approved By: 

Effective Date: 03-20-2020

Revision Date: 10-01-2020

PURPOSE:

This policy provides guidelines for management and employees in the event of a declared pandemic at the federal, state or local level requiring activation of the City of Duncanville's Continuity of Operations Plans (**COOP**).

A pandemic could disrupt continuity of essential City services due to significant and sustained employee absenteeism and supply chain interruptions, therefore this policy's intent is to protect employees' health and safety as well as minimize the impact on the delivery of City services.

This policy applies to all city employees.

DEFINITIONS:

Pandemic – novel virus or disease that emerges for which there is little or no immunity in the human population causing an outbreak occurring over a wide geographic area and affecting an exceptionally high percentage of the population regionally, nationally and/or worldwide.

Social Distancing - actions taken to limit person-to-person contact during a pandemic.

Telecommuting – a mutually agreed upon arrangement between the employee and their manager, and approved through a City Manager, in which an employee is approved to perform work duties from an alternative work site for a specified period of time.

PROCEDURES:

- A. This policy is only effective upon activation of the City's **COOP** by the City Manager or Office of Emergency Management (OEM) as related to a declared pandemic and remains effective for the duration of the activation or until amended.
- B. The effects of the Pandemic **COOP** and/or this policy will confer no new privilege, right of appeal, transfer, promotion, reclassification, compensation, or other right of position or status that is otherwise not part of the established City of Duncanville policies and procedures.
- C. Each department director should continue to maintain proper staffing levels and in priority order to maintain essential functions in either your position or in other functions

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as assigned during the pandemic. Staffing modifications should be coordinated through the OEM and the City Manager's Office as necessary as circumstances change through the course of any pandemic.

- a. To ensure continuity of operations, departments should plan for alternatives and options due to employee absenteeism and possible delivery disruption of products and services by outside vendors.
- b. If the pandemic outbreak is widespread regionally or nationally, outside governmental organization assistance may be compromised or limited.
- c. Employee absenteeism may spike due to employee and/or family member illness, and/or school, daycare and/or eldercare closings.
- d. Directors/Managers will determine any specialized Personal Protective Equipment (PPE) needed to maintain emergency operations.
- e. City staff and/or resources may be required to provide services not currently performed as deemed necessary.

COMMUNICATION:

- A. The City will designate a communication plan and team to provide clear, consistent, coordinated and ongoing communication to employees and the public.
 - a. This team will include members from the City Manager's Office, Public Information Officer, the OEM, or others as deemed necessary by the City Manager's Office.
 - b. The communication plan should include:
 - i. What, when, and how information will be communicated;
 - ii. Where questions should be referred and who will provide responses;
 - iii. Roles and responsibilities;
 - iv. Staffing priorities/impact/considerations;
 - v. Provisional changes to assignments/administration
- B. Departments should also rely upon, and relay to the communications team, guidance from their applicable sources/agencies who provide operational guidance for their business practices (such as Fire/EMS, Public Health, Centers for Disease Control, etc. as appropriate).
- C. OEM shall ensure departmental COOP plans/annexes are maintained, updated and readily available to departments upon activation and offer assistance as needed.
- D. Departments shall keep their staff informed as appropriate for all business operations, COOP procedures impacting them, expectations around communication, closures, staffing, and related functions.

STAFFING/TELECOMMUTING/WORK ASSIGNMENTS:

- A. To ensure continuity of City operations during an extended pandemic, departments, including Human Resources, may simplify processes temporarily in order to meet staffing and operational needs/requirements.
- B. Departments shall rely upon one another as usual for decisions/assistance needed outside their expertise during a pandemic to reach sound business decisions (use of Purchasing, City Attorney, etc.).

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- C. Temporary staffing, as needed, may be coordinated through Purchasing and Human Resources via agreements in place.
 - a. Departments should work proactively with Human Resources and Purchasing to anticipate temporary staffing needs, especially for projected specialized, hard to fill, or technical positions during the COOP activation as these may be the first to be exhausted by temporary agencies.
- D. Directors/Managers will be responsible for modifying work assignments, work hours, and/or shifts, authorizing telecommuting, and/or any other necessary changes outside normal business practices to minimize interruption of critical essential services and for social distancing, if needed.
 - a. Such changes **must** be closely coordinated with the City Manager's Office, the Communications team, Human Resources/Payroll staff to ensure operational efficiency, consistency and to ensure proper management of pay and pay types impacted by change.
- E. **Telecommuting**
 - a. Telecommuting may be considered and identified as an alternate work schedule by a Director/Division Manager during a declared pandemic and activation of the COOP for certain essential functions.
 - b. Directors/Managers may determine, at their sole discretion, what, if any, essential functions and staff are deemed reasonable, practical and allowable for telecommuting.
 - c. Directors must obtain approval from a City Manager for each person they recommend be allowed to telecommute prior to its commencement.
 - d. A telecommuting arrangement is not an entitlement and in no way changes the terms and conditions of employment; it may be revoked at any time.
 - e. The city is not responsible for any costs associated with an employee's home office, however the city may provide certain equipment (such as laptop, cell phone, etc.) for the employee's use as available and mutually agreed upon during the period authorized for telecommuting.
 - f. Departments should establish clear expectations for telecommuting employees including, but not limited to: expected hours, equipment, work production, timeliness, etc. as with any other employee.
 - i. Employees will complete a form provided by Human Resources that clarifies: the reason for telecommuting request; justification of need; duties to be performed; response hours and work production; acknowledging that staff members may be re-deployed or assist in other areas as needed outside of their normal functional area;
 - ii. The employees and their direct supervisor who will be monitoring work assignments and accomplishments while telecommuting will acknowledge understanding of expectations via signature on the form;
 - iii. Employee must submit a form weekly, or more often if requested, to their Division Manager or Director indicating projects completed in one-hour increments and number of hours worked daily.
- F. **Positions/Assignments/Work Duties/Shifts:**
 - a. During a pandemic, employees may be reassigned, re-deployed, or transferred to a different position, shift, work location/worksites as deemed necessary by management in order to maintain essential services.

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- b. Employees are expected to assist with other duties as assigned during these unique circumstances.

G. High Risk Personnel

- a. High Risk personnel are those employees identified by a health authority as being at higher risk of getting very sick from the illness identified. This typically involves people with specific health conditions that put them at risk such as immuno-suppressed individuals, those with heart or lung disease, etc. It may also include older individuals.
- b. High Risk personnel may be identified in any pandemic and be allowed or request special accommodations through their chain of command for approval in alternate work environment, duties, work location or setting that minimizes exposure for the duration of the Pandemic COOP activation period or until immunity is acquired through vaccination or illness.

H. Overtime

- a. All provisions of Policy HR 3.02 Overtime provisions apply during a declared pandemic. Employees may be expected to work outside of normal business hours for continuity of operations, especially if staffing shortages occur.
- b. Tracking of staff time, hours, and/or equipment/supplies who work on the pandemic may be required for federal reimbursement opportunities. OEM and/or Human Resources staff will notify personnel of specifics around this if activated.
- c. Limitation on overtime hours work may be dictated for health/safety reasons as needed.

TRAVEL:

The City may restrict or revoke travel privileges related to city business during a declared pandemic. This may include travel previously approved.

PUBLIC HEALTH PROCEDURES AND INFECTION CONTROL:

- A. In the event of a pandemic COOP activation, employees are expected to follow any recommendations for certain medical procedures, immunizations, practices, or assessments as recommended by the City's OEM and approved through the City Manager's Office.
- B. Directors/Managers in each department are responsible to assess its work environment to determine the occupational exposure risk for staff and the public related to facilities, public access, events, and venues, to mitigate risk and exposure where practical through safeguard measures and social distancing.
- C. Employees shall follow all recommendations provisions of the COOP control measures to minimize employees' and the public's potential exposure to the disease.
- D. Directors/Managers have authority to limit citizen/volunteer access to public buildings, shut down facility use and/or control access to a single-entry point for infection control.
- E. City staff access via security badges/cards to certain areas of city buildings may be restricted or disabled temporarily for infection control where necessary.

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LEAVE RELATED TO PANDEMIC INFECTION/EXPOSURE:

- A. It is important that all employees understand the various pay and leave flexibilities that may be utilized during an emergency crisis and to enable employees to stay home when ill or for their safety, to care for an ill family member and/or dependent, or their children's schools or childcare programs close, elder care facilities close, or facilities dismiss as a result of the emergency.
- B. Employees are able to use sick leave, vacation, and other available paid leave such as Emergency Leave or Banked Holiday, if absent due to personal or family illness during the Pandemic COOP activation. **NOTE: Federal, State or Local Laws/Acts may supersede these procedures. For example, the Families First Act (March 2020).**
 - a. The City reserves the right to adjust its leave policies, as well as may allow eligible employees to realize an appropriate negative sick leave balance.
 - b. Before an employee shall be allowed to enter into a negative sick leave balance they shall have exhausted all other applicable accrual balances. Eligible employees will be permitted to accrue up to 80 hours of negative sick leave in the event a declared emergency under this policy.
 - c. This negative sick leave balance will be considered a salary advance and require then the employee to reimburse the City either through future accruals or cash payment. If an employee's employment is terminated prior to satisfying the negative sick accrual, a deduction shall be made from the employee's final check to the extent allowed by law to cover the value remaining that was advanced to the employee or the employee shall make a cash payment to the City for the balance remaining.
- C. For employees who are absent due to extended personal or family illness during a Pandemic activation, FMLA may apply. **NOTE: Federal, State or Local Laws/Acts may supersede these procedures. For example, the Families First Act (March 2020).**
 - a. Management may require an employee to go home if symptomatic at work. Normal sick leave applies.
 - b. Employees who are symptomatic/ill may be sent home whether or not they have sufficient paid leave time accrued to cover the absence.
 - c. The city's workers' compensation carrier will provide guidance as to injury reporting for any work-related direct exposures if different than normal practices.
- D. During a pandemic outbreak, some employees may become concerned about reporting to work, for fear of exposure to themselves or their families.
 - a. Directors/Managers are expected to make reasonable efforts to educate employees and minimize concerns of exposure risks.
 - b. With the potential high levels of absence during a pandemic, it is expected that all employees who are well, report for work. Employees with childcare issues directly related to the pandemic should work with their chain of command and city guidance to coordinate work accommodations as needed.
 - c. Instances of employees refusing to report to work with no reasonable grounds will be treated as unpaid unauthorized absence and will be subject to disciplinary action.
- E. Modifications to leave use policies may be developed and outlined by Human Resources as deemed necessary to ensure continuity of operations during the Pandemic COOP

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activation period.

- F. Directors and Managers reserve the right to temporarily suspend or cancel leave of well personnel should their services be required to maintain delivery of critical essential job functions. These decisions during Pandemic COOP activation are final and not subject to appeal.

BENEFITS:

- A. Benefits will be continued during a pandemic as with any other situation.
- B. Human Resources, through approval of the City Manager's Office, may temporarily change benefit provisions/costs through the current medical carrier to address prevention and treatment related to the pandemic illness at hand.