

City of Baytown Personnel Policy Manual



CONTENTS

CHAPTER 1. GENERAL PROVISIONS	5
CHAPTER 1. SECTION 1: INTRODUCTION	5
CHAPTER 1. SECTION 2: EQUAL OPPORTUNITY EMPLOYER	6
CHAPTER 1. SECTION 3: DISCRIMINATION & RETALIATION-FREE WORK ENVIRONMENT POLICY...	7
CHAPTER 1. SECTION 4: HARASSMENT-FREE WORK ENVIRONMENT POLICY	8
CHAPTER 1. SECTION 5: SEXUAL HARASSMENT-FREE WORK ENVIRONMENT POLICY	9
CHAPTER 1. SECTION 6: CODE OF CONDUCT	10
CHAPTER 1. SECTION 7: PERSONNEL FILES	10
<i>Chapter 1. Section 7a: Employee Privacy</i>	<i>10</i>
<i>Chapter 1. Section 7b: Responsibilities under Texas Public Information Act</i>	<i>11</i>
<i>Chapter 1. Section 7c: Employee Access to Personnel Records and Management Files</i>	<i>11</i>
<i>Chapter 1. Section 7d: Current Address and Information.....</i>	<i>11</i>
<i>Chapter 1. Section 7e: Confidentiality of Medical Information.....</i>	<i>11</i>
CHAPTER 1. SECTION 8: EMERGENCY CONDITIONS PERSONNEL POLICY	12
CHAPTER 1. SECTION 9: DEPARTMENTAL POLICIES AND PROCEDURES.....	13
CHAPTER 2. RECRUITMENT AND EMPLOYMENT	14
CHAPTER 2. SECTION 1: VACANCIES	14
CHAPTER 2. SECTION 2: APPLICATIONS	14
CHAPTER 2. SECTION 3: EVALUATION AND SELECTION OF APPLICANTS	14
CHAPTER 2. SECTION 4: DISQUALIFICATION	14
CHAPTER 2. SECTION 5: PROMOTIONS	15
<i>Chapter 2. Section 5a: Temporary Promotions.....</i>	<i>15</i>
<i>Chapter 2. Section 5b: Transfers.....</i>	<i>15</i>
<i>Chapter 2. Section 5c: Demotions</i>	<i>16</i>
CHAPTER 2. SECTION 6: RE-EMPLOYMENT	16
CHAPTER 2. SECTION 7: AUTHORITY OF APPOINTMENT	16
CHAPTER 2. SECTION 8: CATEGORIES & CLASSIFICATION	17
CHAPTER 2. SECTION 9: NEPOTISM.....	17
CHAPTER 2. SECTION 10: RESIDENCE	19
CHAPTER 2. SECTION 11: MEDICAL EXAMINATIONS	19
CHAPTER 2. SECTION 12: AGE REQUIREMENTS	19
CHAPTER 2. SECTION 13: IMMIGRATION LAW REQUIREMENTS.....	19
CHAPTER 2. SECTION 14: PROBATION	20
CHAPTER 2. SECTION 15: NEW EMPLOYEE PROCESSING AND ORIENTATION.....	21
CHAPTER 3. COMPENSATION AND WORK HOURS	22
CHAPTER 3. SECTION 1: SALARY POLICY	22
CHAPTER 3. SECTION 2: ADVANCE PAY	23
CHAPTER 3. SECTION 3: RECORD KEEPING	23
CHAPTER 3. SECTION 4: RELEASE OF PAYROLL CHECKS	23
CHAPTER 3. SECTION 5: HOURS WORKED	23
CHAPTER 3. SECTION 6: OVERTIME	23
CHAPTER 3. SECTION 7: COMPENSATORY TIME AGREEMENT (COMP TIME)	24
CHAPTER 3. SECTION 8: FLSA FLEX TIME	24
CHAPTER 3. SECTION 9: EXEMPT EMPLOYEES.....	24
CHAPTER 3. SECTION 10: STANDBY TIME	25

CHAPTER 3. SECTION 11: TRAVEL AND TRAINING TIME	25
CHAPTER 3. SECTION 12: HOURS OF WORK	25
CHAPTER 4. EMPLOYEE DEVELOPMENT	26
CHAPTER 4. SECTION 1: PERFORMANCE MANAGEMENT.....	26
CHAPTER 4. SECTION 2: PERFORMANCE EVALUATION REVIEW	26
CHAPTER 4. SECTION 3: TRAINING	26
CHAPTER 5. EMPLOYEE BENEFITS	28
CHAPTER 5. SECTION 1: EMPLOYEE HEALTH, WELFARE AND DEVELOPMENT	28
CHAPTER 5. SECTION 2: HOLIDAYS	28
CHAPTER 5. SECTION 3: VACATION	29
CHAPTER 5. SECTION 4: SICK	29
CHAPTER 5. SECTION 5: FAMILY AND MEDICAL LEAVE	31
CHAPTER 5. SECTION 6: PAID ABSENCES	33
<i>Chapter 5. Section 6a: Training and Development</i>	<i>33</i>
<i>Chapter 5. Section 6b: Civic Duty (Voting).....</i>	<i>33</i>
<i>Chapter 5. Section 6c: Jury Duty</i>	<i>33</i>
<i>Chapter 5. Section 6d: Witness</i>	<i>34</i>
<i>Chapter 5. Section 6e: Emergency Leave for Funerals</i>	<i>34</i>
<i>Chapter 5. Section 6f: Emergency Situations</i>	<i>34</i>
CHAPTER 5. SECTION 7: LEAVE WITHOUT PAY	34
<i>Chapter 5. Section 7a: Religious Observance</i>	<i>34</i>
<i>Chapter 5. Section 7b: Military Leave</i>	<i>35</i>
<i>Chapter 5. Section 7c: Tardiness</i>	<i>35</i>
<i>Chapter 5. Section 7d: Absence Without Leave</i>	<i>35</i>
CHAPTER 5. SECTION 8: ON-THE-JOB INJURY LEAVE	35
CHAPTER 5. SECTION 9: PAID PARENTAL LEAVE	36
CHAPTER 6. CONDUCT	38
CHAPTER 6. SECTION 1: ATTENDANCE	38
CHAPTER 6. SECTION 2: WORK PERFORMANCE	38
CHAPTER 6. SECTION 3: SAFETY STANDARDS.....	39
CHAPTER 6. SECTION 4: POLITICAL ACTIVITY	39
CHAPTER 6. SECTION 5: SOLICITATION	39
CHAPTER 6. SECTION 6: SECONDARY EMPLOYMENT	40
CHAPTER 6. SECTION 7: ACCEPTANCE OF GIFTS.....	40
CHAPTER 6. SECTION 8: DISCLOSURE OF INFORMATION	41
CHAPTER 6. SECTION 9: ABUSE OF CITY PROPERTY	41
CHAPTER 6. SECTION 10: PERSONAL APPEARANCE	41
CHAPTER 6. SECTION 11: ALCOHOL AND DRUG SCREENING PROCEDURES.....	41
CHAPTER 6. SECTION 12: REHABILITATION PROGRAM	42
CHAPTER 7. DISCIPLINE AND APPEALS	43
CHAPTER 7. SECTION 1: GROUNDS FOR DISCIPLINARY ACTION.....	43
CHAPTER 7. SECTION 2: TYPES OF DISCIPLINARY ACTION	43
<i>Chapter 7. Section 2a: Written Reprimand</i>	<i>43</i>
<i>Chapter 7. Section 2b: Suspension</i>	<i>43</i>
<i>Chapter 7. Section 2c: Demotion.....</i>	<i>44</i>
<i>Chapter 7. Section 2d: Termination</i>	<i>44</i>
CHAPTER 7. SECTION 3: APPEAL OF DISCIPLINARY ACTION	44

CHAPTER 8. SEPARATION FROM EMPLOYMENT	46
CHAPTER 8. SECTION 1: SEPARATION PROCESSING.....	46
CHAPTER 8. SECTION 2: RESIGNATION.....	46
CHAPTER 8. SECTION 3: REDUCTION IN FORCE.....	46
CHAPTER 8. SECTION 4: INCAPACITY.....	46
CHAPTER 8. SECTION 5: JOB ABANDONMENT.....	46
CHAPTER 8. SECTION 6: RETIREMENT	46
CHAPTER 8. SECTION 7: TERMINATION	47
CHAPTER 8. SECTION 8: DEATH	47
CHAPTER 9. REINSTATEMENT	48
CHAPTER 9. SECTION 1: EMPLOYEES RETURN FOLLOWING A (RIF) REDUCTION IN FORCE	48
CHAPTER 9. SECTION 2: RETURN FROM MILITARY LEAVE	48

Chapter 1. General Provisions

Chapter 1. Section 1: Introduction

This manual contains all Personnel Policies governing employment at the City of Baytown. The purpose of this manual is to provide employees with a comprehensive source of information on the formal policies and procedures to be followed. The policies themselves are designed to create a workplace that is efficient, united, responsive, and respectful.

There are two documents that govern matters of personnel for the City of Baytown: this Personnel Policy Manual, and the Administrative Rules (in a separate document). Personnel Policies are developed by the Human Resources Department and must be approved by the City Council to take effect. These policies cover appointment, benefits, standards of conduct and termination, and other issues tied to employment instead of job tasks. Administrative Rules are developed by the Human Resources Department and approved by the City Manager. Administrative Rules deal mostly with on-the-job activities and procedures.

The general content of these policies includes equal employment opportunity, a work environment that is free of discrimination, retaliation, harassment, and sexual harassment, the code of conduct, emergency conditions, personnel files, and departmental policies and procedures.

The Purpose of the Personnel Policy

The purpose of the City's Personnel Policy is to provide a consistent guide to personnel actions involving City employees. It is not intended to create contractual rights regarding employment, termination or other personnel actions. It is not intended to give specific guidelines for every conceivable personnel action, but rather to be a guide for resolving personnel matters. This document is sufficiently broad to provide the latitude of discretion which may be needed in individual situations. However, this degree of discretion shall not be permitted to violate the Policy's intent. This Policy should be referred to regularly when making decisions affecting City personnel. It will help to ensure that decisions are fair, consistent, and in accordance with the desires of city management.

At-Will Employment

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

Management Authority

The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. Policy administration rests with City management and City management reserves sole authority to administer City operations.

This policy manual supersedes any and all previous personnel policy manuals approved or utilized by the City of Baytown and becomes effective January 1, 2017.

Responsibilities

The general and final authority for human resource management rests with the City Manager, who may delegate it as necessary and proper, except for matters reserved to the City Council by State law or City Charter. The Director of Human Resources shall advise and support management in all areas, including employee-management relations; training and career development; classification; compensation; benefits; retirement programs; and employee health, safety and morale.

The Director of Human Resources is delegated the responsibility for developing, administering, interpreting and maintaining the Personnel Policies and Administrative Rules. Department directors are responsible for enforcing these policies and for cooperating with the Director of Human Resources and his/her designee(s) on all matters pertinent to their organizational units. Department directors are responsible for maintaining a current copy of the policies in a form that is accessible and available to all employees in their department. All employees have a responsibility and role in the implementation of these policies and procedures.

These personnel policies shall apply to all City employees, including full-time employees, part-time employees, temporary/seasonal employees, volunteers, and community service workers, except where these policies may be in conflict with federal, state, or local legislation. Enforcement of these policies is handled in the manner prescribed by the individual policies.

These policies relate only to matters of personnel management and do not include any departmental procedures, standard practices, standing orders, or other technical matters. Supplemental rules for all City departments may be developed within the respective departments so long as these departmental policies do not conflict with City personnel policies and procedures.

The City of Baytown's Civil Service Commission adopts rules for all classified Civil Service personnel in the Fire and Police Departments. Where Civil Service policies are silent, the City of Baytown Personnel policies shall apply.

Chapter 1. Section 2: Equal Opportunity Employer

The City of Baytown is an Equal Opportunity Employer of qualified individuals. The City commits that all applicants and employees will be treated equally without regard to race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability, or genetic information, or any other factors that are not related to individual ability, job performance and potential to develop in the workplace. The only exceptions are based on bona fide occupational qualifications such as the age requirements regulated by the Civil Service Commission.

The City promotes and values diversity in all aspects of the organization. Workforce diversity enables us to recruit, retain, promote, and tap the full potential of people. It is the diversity of our workforce, and the broad range of individual characteristics, beliefs, and values of our staff that characterize our fundamental approach to delivering the best service to our citizens. Diversity includes not only the areas of actual or perceived race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability, or genetic information, but also extends to personal history, work experiences, education, job function, job tenure, personality, geographic origin, thinking style, leadership ability, and skill level. Our commitment is to build an inclusive work culture that recognizes and values the uniqueness of each of our employees. Our diversity philosophy is based on embracing every human being's uniqueness. We respect, recognize, and value the contribution each one makes. We strive to promote, model, and reward attitudes and behaviors that demonstrate inclusiveness.

The City has developed programs to ensure that employment decisions will be made to further the principle of equal employment opportunity. Employment actions include, but shall not be limited to the following: recruitment, employment, benefits, upgrading, promotions, demotions, transfers, leaves of absence, layoffs, terminations, rate of pay or other forms of compensation, selection for training, and social and recreation programs.

To implement the necessary programs, the City Manager has assigned overall program responsibility to the Director of Human Resources to monitor all personnel activities occurring within the City.

An employee or applicant with an equal opportunity related concern is encouraged to confidentially discuss the matter with the Human Resources Director or designee for advice, evaluation, and if warranted, investigation. The City takes its commitment to equal opportunity very seriously and believes that it is the responsibility of all employees to assist the City in meeting its goals through the development of a qualified, diversified workforce. The City will take disciplinary actions against individuals identified as discriminating or harassing any individuals because of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability, or genetic information, and in the same manner actions will be taken against individuals making false accusations due to the seriousness of the subject.

Chapter 1. Section 3: Discrimination & Retaliation-Free Work Environment Policy

All City employees are entitled to a work environment free from discrimination and retaliation. Discriminatory treatment occurs when an individual uses a protected class (groups protected from employment discrimination by law) as a basis for an adverse employment action or decision. This policy covers allegations of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability, or genetic information discrimination in promotion, transfer, compensation, term, conditions, or privileges of employment.

This policy also covers claims that an employee is being retaliated against for reporting a violation of law (whistleblower), opposing unlawful discriminatory employment practices, making a good faith complaint under this policy, or for participating in the investigation of such a complaint.

The City considers discrimination and retaliation to be grave acts of misconduct and may subject the perpetrator to disciplinary action up to and including termination. Supervisors are accountable and have an obligation to pursue a discrimination and retaliation-free workplace environment.

The City will investigate every report of an alleged incident made in the workplace and will take appropriate action. The result of that action may range from informal counseling to disciplinary action, up to and including termination, the first time such behavior occurs. Prior incidents of discrimination or retaliation may be considered when assessing the facts and circumstances of a later complaint. Every City employee shall support and enforce this policy. Supervisors who observe or know of a discriminatory or retaliatory situation, and fail to take corrective action, may be disciplined even if the behavior is not taking place in their work unit. Retaliation, in any form, against an employee for reporting a complaint in good faith under this policy, or for assisting in the investigation of such a complaint is prohibited.

The City recognizes that Title I of the Americans with Disability Act of 1990 (ADA) and subsequent ADA Amendments Act of 2008 (ADAAA) prohibit covered employers from discriminating against a "qualified individual with a disability in any term, condition, or privilege of employment." The City has made a full commitment that it will not discriminate against any

individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires. Furthermore, the City will make "reasonable accommodations" as long as it does not cause an "undue hardship" (as defined by the regulations) for the City. This policy applies to all applicants, employees, and employees seeking promotional opportunities. If you are an applicant or employee who requests an accommodation due to a disability, please contact the Human Resources Department.

Chapter 1. Section 4: Harassment-Free Work Environment Policy

All City employees are entitled to a workplace free from unlawful harassment by management, supervisors, co-workers, elected officials, volunteers, citizens, and other third parties. The City of Baytown will not condone and will not tolerate harassment of any of its employees on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability, or genetic information. (Sexual Harassment is dealt with by a separate policy and incidents should be reported to an employee's Department Director or the Director of Human Resources, or designee, as provided in that policy). City employees are also prohibited from harassing citizens, vendors, and all other third parties.

Behavior constitutes harassment when it is unwelcome and unsolicited, offends or otherwise causes distress, and is undertaken because of an individual's protected status.

Harassment creates a negative atmosphere that reduces work productivity and morale, undermines the integrity of the workplace, and destroys professionalism. Harassment includes any unwelcome, unsolicited and/or unwanted behavior towards management, supervisors, co-workers, elected officials, volunteers, citizens, and other third parties, which offends, humiliates, embarrasses, intimidates, or otherwise causes distress because of a person's race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), national origin, age, disability, or genetic information, as well as any other category protected by federal, state, or local laws. Prohibited conduct includes, but is not limited to: epithets, slurs, and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings, pictures, or electronic messages that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendos that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., via facsimile, email, internet, or any other communication medium.

Good faith employment actions do not constitute harassment. Good faith employment actions by a supervisor or manager such as, offering constructive feedback or criticism, holding employees accountable, and providing discipline, where appropriate, do not constitute, and should not make for, harassment or retaliation. These employment actions are aimed at enhancing workplace productivity and/or addressing work performance, and are within the responsibilities and obligations of all supervisors and managers.

The City will investigate every report of an alleged incident made in the workplace and will take appropriate action. The result of that action may range from informal counseling to disciplinary action, up to and including termination, the first time such behavior occurs. Prior incidents of harassment may be considered when assessing the facts and circumstances of a later complaint. Every City employee shall support and enforce this policy. Supervisors are accountable and have an obligation to pursue a harassment-free workplace environment.

Supervisors who observe or know of a harassment situation, and fail to take corrective action, may be disciplined even if the harassment is not taking place in their work unit.

Retaliation, in any form, against an employee for reporting a complaint in good faith under this policy, or for assisting in the investigation of such a complaint, is prohibited.

Chapter 1. Section 5: Sexual Harassment-Free Work Environment Policy

The City of Baytown prohibits sexual harassment of its employees by management, supervisors, co-workers, elected officials, volunteers, citizens, and other third parties. Sexual harassment negatively affects morale, motivation, and job performance. It is inappropriate, offensive, illegal and will not be tolerated.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is either expressed or implied as a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the 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.

Prohibited conduct includes but is not limited to unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on sex; unwanted physical behavior such as pats, squeezes; visual harassment such as posting of sexually suggestive or derogatory pictures, cartoons, drawings or electronic messages, even at one's work station; unwanted sexual advances, pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluations, work assignments, or advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace.

Supervisors are accountable and have an obligation to ensure that their employees are afforded the opportunity to work in an environment that is free from sexually discriminatory insults, ridicule, intimidation or other types of harassment.

The condoning of a hostile work place by a supervisor is not conducive to the spirit and intent of the City's commitment to ensuring fair and equal treatment of employees.

Any employee who is aware of any instances of sexual harassment shall report the alleged act immediately using the processes outlined in *Administrative Rules, Chapter 1, Section 5: Complaint Procedures*. If the employee is uncomfortable in discussing the matter with the supervisor or if the supervisor is not available, the employee shall report the alleged act immediately to the Human Resources Director or designee. Supervisors and managers who receive a sexual harassment complaint shall contact the Director of Human Resources.

The City does not tolerate sexual harassment, nor does it tolerate reprisals against an employee who makes a sexual harassment complaint. All complaints will be investigated promptly, impartially, and discreetly and, upon completion of the investigation, the appropriate parties will be notified immediately of the findings. Any supervisor, manager, director, or other employee who violates this policy is subject to disciplinary action, up to and including termination. Appropriate action will be taken with outside parties who are in violation with this policy. Any supervisor who receives a complaint of sexual harassment and fails to report or take corrective action pursuant to this policy also is subject to disciplinary action. All employees are responsible for reporting incidences of sexual harassment. Any employee who refuses to

cooperate in the investigation, or who files a complaint of sexual harassment in bad faith, will be subject to disciplinary action up to and including termination.

Retaliation, in any form, against an employee for reporting a complaint in good faith under this policy, or for assisting in the investigation of such a complaint, is prohibited.

We trust that the employees will act responsibly to maintain a pleasant working environment, free of discrimination, allowing each employee to perform to his/her maximum potential. The City encourages any employee to bring questions he/she may have regarding discrimination of this type to the Human Resources Director or designee, Assistant Director of Human Resources or Director of Human Resources for guidance and clarification.

Chapter 1. Section 6: Code of Conduct

All employees are required to adhere to *Administrative Rules, Chapter 6, Section 1: Code of Conduct and Ethics* in order to conform to what is deemed to be an acceptable standard of professional and responsible behavior.

All City employees shall consistently maintain the highest standards of personal integrity, honesty, and trust in carrying out their duties; avoid real or perceived improprieties in their roles as public servants; and never use their City positions or authority to improperly obtain personal and/or professional gain. These guidelines shall apply at all times during the performance of City functions and include improper use of City equipment and/or City-issued items, as well as seeking and accepting gratuities. Any potential conflict of interest and/or circumstances that may present an ethical dilemma should be discussed with the appropriate supervisor(s) or Human Resources.

Additionally, certain employees must comply with all applicable portions of City of Baytown "Code of Ethics" as codified in the *City of Baytown Code of Ordinances, Chapter 2, Article VIII*. An updated version of this ordinance can be obtained from the City Clerk's Office. Where an employee holds a certification or a license that is required by their job description, they are also bound by the code of ethics of the certifying or licensing body.

Chapter 1. Section 7: Personnel Files

The Human Resources Department shall maintain the official personnel files for all employees. Unless otherwise provided by law, personnel files and information contained therein shall be confidential and may not be used or divulged for purposes not connected with City personnel management except with the permission of the employee involved. Nothing herein shall prevent the dissemination of impersonal statistical information.

Department Directors shall report changes in personnel status of their employees in accordance with procedures developed by the Director of Human Resources.

Chapter 1. Section 7a: Employee Privacy

The City has a policy of respecting the dignity and worth of each individual employee while expecting that each employee shall offer his/her loyalty, respect and best efforts in return. However, as public sector employees supported by public funds, employees should not expect privacy in their work, workstations or any city owned property including vehicles, and/or anything that belongs to the City used to produce that work.

The City shall demonstrate its concern for individual dignity by minimizing its intrusion into the employee's off-the-job conduct except where it impacts the public's safety or brings disrepute to the City. However, the City shall retain its duties and privileges as an employer consistent with good business practices. This includes collection, retention, use, disclosure, and confidentiality

of employee information. The City shall comply with all requirements of federal or state law regarding confidentiality of medical information.

All personnel files are subject to release under the Texas Public Information Act, unless an exception applies.

Chapter 1. Section 7b: Responsibilities under Texas Public Information Act

All employees are responsible for a level of confidentiality that will preserve an environment that supports sincerity, honesty, and ethical behavior.

As official government records, most types of communication, unless they fit an exception to disclosure, may be made available to the public upon written request in accordance with in the Public Information Act.

Every employee is responsible for designating, in writing, whether any information about their home address, telephone number, or emergency contact information can be released under the Texas Public Information Act. A signed form shall be in the employee's personnel file that states that this information is not to be released; otherwise, it is subject to release under this Act.

Chapter 1. Section 7c: Employee Access to Personnel Records and Management Files

Employees have the right to review information in their Personnel Files. Human Resources shall limit the availability of personal information to those officials with a clear need to know.

Chapter 1. Section 7d: Current Address and Information

Each employee is responsible for promptly notifying the Human Resources Department of changes in address, telephone number, marital status, and dependents. This responsibility includes employees on layoff status, sick leave, and any other type of leave of absence.

Chapter 1. Section 7e: 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.

Information that may be provided to the City by an employee's health care provider, and maintained in the confidential medical file, includes but is not limited to:

- A note to justify an absence
- A note to request a leave
- A note to verify the employee's ability to return to work
- Medical records to support a claim for sick pay or disability benefits
- Insurance records
- Workers' compensation records

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 his/her supervisor or the Director of Human Resources. When an employee provides information to his/her Supervisor, the Supervisor is expected to share the information only on an "as needed" basis to other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their co-workers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from

passing along information, gossip, rumors, or anything else that may constitute an invasion of a co-worker's privacy or breach of confidence.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting, or requiring, genetic information of an individual or family member of the individual, except as specifically allowed by this law. 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. It is unlawful for a covered entity to disclose genetic information about applicants, employees, or members. If the City acquires genetic information through the narrow exceptions allowed by this law, that information will be kept confidential and in a separate medical file. The genetic information may be kept in the same file as other medical information in compliance with the Americans with Disabilities Act (ADA). There are limited exceptions to this non-disclosure rule, such as exceptions that provide for the disclosure of relevant genetic information to government officials investigating compliance with Title II of GINA and for disclosures made pursuant to a court order.

All employees are entitled to have personal and medical information kept private. Under no circumstances shall a City employee disclose protected health information regarding another City employee through the electronic mail system, any other electronic medium, the internet, or written correspondence.

Unauthorized disclosure of personal health information may constitute a crime and shall subject an employee to immediate disciplinary action up to and including termination. Any employee who believes that the City is not complying with requirements of medical record privacy may submit a written complaint to the Director of Human Resources. The complaint must contain a description of the complaint and an explanation of the circumstances surrounding the complaint.

Complaints may also be filed with the Secretary of the U.S. Department of Health and Human Services. No retribution or negative action shall be taken or tolerated because an employee files a complaint with the Director of Human Resources or the Department of Health and Human Services.

Chapter 1. Section 8: Emergency Conditions Personnel Policy

This policy is established to promote the increased efficiency and economy in the service of the City.

The citizens of Baytown depend on City employees before, during and after an emergency or disaster to provide quality customer service while maintaining and/or restoring essential public services for the health, safety and quality of life for our community. City employees demonstrate pride and a commitment to quality customer service by ensuring a continuation of public services during the essential periods of every emergency or disaster. All employees are required to adhere to *Administrative Rules, Chapter 1, Section 8: Emergency Conditions* which details the scope, responsibilities and implementation of the policy. This rule also sets out responsibilities of City employees before, during, and after disasters to ensure that City employees function as a team in preparing the City's vital assets, maintaining essential City services and in restoring City services.

Chapter 1. Section 9: Departmental Policies and Procedures

Individual departments may develop supplemental personnel and administrative policies and procedures consistent with this manual. Prior to implementation, all departmental policies will be submitted to the Director of Human Resources (or designee) to ensure consistency with existing policies and administrative rules. Human Resources will partner with Departmental Directors to develop policies that align business needs with applicable standards.

Chapter 2. Recruitment and Employment

Chapter 2. Section 1: Vacancies

Departments shall notify Human Resources when a vacancy occurs in their department so that the City can attract and recruit high quality staff that reflects the diversity of the community and works well within our values-based organization, which promotes and supports the core values of Leadership, Integrity, Teamwork, Excellence, Respect, and Service.

Human Resources will post notice of the position vacancy along with the requirements needed to perform the job. The intent of the job posting process is to enable all candidates to apply for those vacancies for which they feel they are qualified.

An employee of the City of Baytown may refer a candidate for consideration. The employee would direct the candidate to review the job posting details and to follow the application process identified with the vacancy notice that has been posted.

The Director of Human Resources, in conjunction with the Department Director, may waive the posting requirement in special situations, for example, a temporary employee who is trained and working at a job for an extended period of time. The City has a practice of promoting qualified candidates from within the organization whenever possible and as such, when filled from within the Department, posting requirements may be waived in special situations with approval of the Director of Human Resources.

Entry-level City of Baytown Fire and Police Department personnel are classified as civil service employees. Therefore, all entry-level firefighters and police officers will be hired pursuant to Chapter 143 of the Texas Local Government Code, the City of Baytown Local Civil Service Rules, City of Baytown policy, and applicable Agreements.

Entry-level City of Baytown Police Department personnel are classified as civil service employees. Therefore, all entry-level police department personnel will be hired pursuant to Chapter 143 of the Texas Local Government Code, the City of Baytown Local Civil Service Rules, and the rules of the City of Baytown.

Chapter 2. Section 2: Applications

Completed applications for employment must be submitted through the system of record during the specified job posting period.

Chapter 2. Section 3: Evaluation and Selection of Applicants

The Director of Human Resources shall develop standard operating procedures for the referral of applicants to the departments for final selection. The Human Resources Department will screen applications based on qualifications including education and prior experience, as it relates to the requirements of the open position.

Reference checks, interviews, pre-employment physical examination, background investigations, written tests, and/or other screening procedures may be used to select the best qualified person for the position.

Applications for vacancies are strictly confidential and access is restricted to those directly involved in the selection process including Human Resources staff.

Chapter 2. Section 4: Disqualification

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

- a) Does not meet the qualifications necessary for the duties of the position
- b) Has made a false statement of material fact on the application form or supplements
- c) Has committed or attempted to commit a fraudulent act at any stage of the selection process
- d) Is not legally permitted to work
- e) Does not successfully complete all pre-employment procedures which include, but are not limited to:
 - i. Background investigation
 - ii. Physical, including drug screen
 - iii. Driving record check

Any applicant may be disqualified from consideration upon other reasonable grounds relating to job requirements.

Chapter 2. Section 5: Promotions

A promotion is defined conceptually as the assumption of new job duties and responsibilities that are higher in character and scope than in the previous job. Compensation adjustments will be determined in conjunction with Human Resources and applicable compensation practices. Employees must be in their current position for six months before they are eligible for a promotion. However, this time requirement may be waived by the Director of Human Resources in coordination with the Department Director if the promotion/transfer would be in the overall best interest of the City.

All promotions and promotional increases shall be coordinated with the Director of Human Resources. Departments involved in the transfer and/or promotion shall mutually agree on a date of the action. The maximum amount of time should be two weeks unless extenuating circumstances exist and at that time it will be a management decision in coordination with the Director of Human Resources.

Chapter 2. Section 5a: Temporary Promotions

A temporary promotion may be authorized to ensure the proper performance of City functions if a position is vacant or its regular incumbent is absent for more than two (2) consecutive pay periods. Employees so promoted shall be additionally compensated for the duration of their assignments in amounts to be determined by the Director of Human Resources in coordination with the Department Director.

Temporary promotions shall not be used to circumvent normal selection procedures. The employees involved shall not acquire any status or rights in the position to which temporarily promoted except as provided above.

Nothing herein shall be construed to prevent the assignment of additional duties to an employee without additional compensation. Authorized additional compensation shall be paid only in cases of formal temporary promotion effected in accordance with these rules.

Chapter 2. Section 5b: Transfers

A transfer is defined conceptually as the assignment of an employee from one position to another position of the same or similar grade. Transfers may be made administratively or in conjunction with an announced selection process. An interdepartmental transfer may occur at any time for administrative convenience or upon request of the employee, as approved by the Department Director and the Director of Human Resources, provided that the employee is qualified to perform the duties of the position to which transfer is contemplated.

Departments involved in the transfer and/or promotion shall mutually agree on a date of the action. The maximum amount of time should be two weeks unless extenuating circumstances exist and at that time it will be a management decision in coordination with the Director of Human Resources.

Chapter 2. Section 5c: Demotions

A demotion is the assignment of an employee from a position in one classification to a position in another classification having a lower salary grade.

An employee may be administratively demoted at his/her own request. The demotion will be approved by the Director of Human Resources in coordination with the Department Director and the incumbent must be qualified to perform the duties of the lower level position. Such demotions shall not be considered disciplinary actions or disqualify the employee involved from consideration for later advancement. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

Salary may be affected by a demotion and an employee may be required to start at the entry level of the lower position or at a set percentage above entry level, based on skills and experience.

Chapter 2. Section 6: Re-Employment

To be considered for re-employment, a former employee must have demonstrated acceptable performance in their prior service with the City and must meet the minimum qualifications for the position for which they are applying. A former employee will not be eligible for re-hire with the City for six (6) months after the date of separation from the City except in the following instances:

- The former employee was laid off due to a reduction in force;
- The former employee was a temporary and/or seasonal employee; or
- The former employee separated from the City for health reasons, provided their recovery is certified by their physician and by the City physician.

The Director of Human Resources may waive the six (6) month period if it is determined it is in the best interest of the City. Written documentation must be submitted by the Department Director to substantiate the request. Individuals who were terminated from the City, who resigned not in good standing or in lieu of discharge, who resigned pending the outcome of an investigation in which they were the subject of or party to, or who are not otherwise recommended for rehire, are generally not eligible for rehire. These individuals may only be considered for employment with the City of Baytown after discussion and agreement between the Director of Human Resources and the Department Director of the hiring department.

Rehired employees are subject to the conditions of employment and benefits of a newly hired employee.

Chapter 2. Section 7: Authority of Appointment

Except as otherwise provided by Charter or Ordinance, the appointing authority for all City positions shall be the City Manager or his/her designee. Appointments shall be made based on the qualifications of applicants as ascertained through fair and practical selection methods.

Chapter 2. Section 8: Categories & Classification

Proper classification of employees is necessary to administer salaries, determine eligibility under the City's benefit plans, and comply with employment and tax laws.

The City offers full-time regular, part-time regular and temporary/seasonal employment opportunities to meet the organization's staffing requirements. The City also uses temporary employment agencies, volunteers, and community service workers to provide flexible response to changing workload requirements.

- *Full-time regular* – an employee in a budgeted position with an officially scheduled work week of 40 hours or more. Employees in these positions are eligible for the City's benefits, subject to the terms, conditions and waiting periods of each program such as vacation, sick leave, holidays, health insurance, life insurance, retirement, worker's compensation, etc.
- *Part-time regular* – an employee in a budgeted position with an official work schedule of less than 40 hours. Employees in these positions are not eligible for any benefits except those which are legally mandated.
- *Temporary/Seasonal* – an employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of limited duration (less than 1000 hours annually). Temporary/seasonal employees may be either full-time or part-time. Intern positions are included in this category. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary/seasonal employees retain that status unless and until notified of a change in writing by the Department Director and Human Resources. Temporary employees are not eligible for any benefits except those which are legally mandated, such as workers' compensation.
- *Volunteer or Community Service Worker* – an individual who provides services to the City without any expectation of compensation or financial gain.

In addition to being in one of the above categories, each employee is also designated as either exempt or non-exempt in accordance with federal regulations for overtime and minimum wage requirements through the Fair Labor Standards Act (FLSA).

- *Exempt* – an employee in a position that qualifies under one of the exemption categories (i.e., executive, administrative, professional, etc.) and is paid on a salary basis regardless of the number of hours worked in a pay period. The employees in these positions are exempt from the provisions of the FLSA's minimum wage and overtime regulations.
- *Non-exempt* – an employee who is not classified as "exempt" and is paid on an hourly basis for the number of hours worked in the work week. Employees in these positions are subject to the provisions of the FLSA's minimum wage and overtime regulations.

In cases where the exempt/non-exempt status of an employee is in doubt, the Human Resources Department will review position duties and responsibilities against FLSA exemption tests. The Human Resources Department will make the final decision in all cases.

Chapter 2. Section 9: Nepotism

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in personnel matters and the awarding of contracts are prohibited. Every employee must make full disclosure of any situation that involves or may involve a conflict between the employee and the interests

of the City. Every employee has an obligation at all times to promote the best interests of the City.

While it is impossible to list every circumstance that may create a possible conflict of interest, the following should serve as a guide to the types of activities that may cause conflicts of interest:

a) Relatives of Local Elected Officials and the City Manager

- i. No person related to the Mayor, member of the City Council or City Manager within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) shall be employed by the City or appointed to any office, position, or other service of the City. This prohibition shall not apply to officers or employees who have been employed by the City continuously for the time periods as required by Texas Government Code, Chapter 573, as the same may be amended from time to time.

b) Relatives of City Employees

- ii. No employee may directly, or indirectly, supervise or be supervised by a member of his/her family who is related within the second degree of affinity or the third degree of consanguinity.
- iii. No employee shall hold a position within the City that would subject a family member to administrative, or supervisory authority over the work assignments, scheduling, working conditions, compensation and/or benefits when the relationship is within the second degree of affinity or the third degree of consanguinity.
- iv. In the event that marriage or cohabitation places employees in violation of this policy, they must report the matter to their Department Director and the Human Resource Director immediately. The affected employees will be given the opportunity to decide which of them will resign or transfer to a different Department or Division. If the employees fail to make the determination, the City reserves the right to transfer or dismiss one or both of the employees.
- v. "Step" relationships due to marriage will be recognized and covered by this policy.

The Human Resources Department may grant exceptions to this policy only for seasonal employees up to twelve (12) months.

The City reserves the right to address on a case-by-case basis any additional relationships not already defined by this policy if such relationship presents an actual or perceived conflict of interest in the workplace as defined by City management.

If there is doubt whether an existing or contemplated situation should be construed as creating a conflict, or about how to best correct it if it does, the individual must discuss the situation with their Department Director.

Any existing relationships established prior to the date this policy takes effect may be grandfathered to the following guidelines; however, should a grandfathered relationship present a future conflict, the City reserves the right to address the situation.

Relationships by Consanguinity (Blood)

An employee's relatives within the third degree by consanguinity are:

- *First degree* - His or her parent or child;
- *Second degree* - His or her brother, sister, grandparent or grandchild;

Third degree - His or her great-grandparent, great-grandchild, parents' brother or sister (his or her aunt or uncle), or siblings' children (his or her nieces and nephews).

Relationships by Affinity (Marriage)

An employee's relatives within the second degree by affinity are:

- Spouse or domestic partner
- Anyone related by consanguinity to the employee's spouse within the first or second degrees; or
- The spouse of anyone related to the employee by consanguinity within the first or second degrees.

Civil Service employees are additionally governed by Civil Service Rules.

Chapter 2. Section 10: Residence

There shall be no absolute residence requirement for City employment except as may be provided by Charter. Employees likely to be called to work in cases of emergency may be required to reside within reasonable commuting ranges of their places of work.

Chapter 2. Section 11: Medical Examinations

Persons processed for initial hire or reinstatement shall undergo a medical examination including drug screen at the City's expense. Employment shall be contingent upon successful completion of the medical examination in relation to the standards of fitness required for the position involved.

The Department Director, in coordination with the Director of Human Resources, may require that a current employee successfully undergo a medical examination to determine fitness for continued employment, promotion, or other personnel action.

Chapter 2. Section 12: Age Requirements

Age limits are indicated in some job descriptions for various positions, upon the basis of bona fide occupational qualifications or statutory requirements. Where no age requirements are specified, the following shall apply:

- No person under the age of 18 years of age shall be employed as an employee in any position requiring the operation of a motorized vehicle owned by the City or in positions of a hazardous nature.
- No person under the age of 16 shall be employed unless a special program is approved by the City Manager or City Council.

Within statutory limits and restrictions, minors (age 16 or 17) may be considered for employment in positions of non-hazardous nature. Occupations declared to be hazardous to persons between 16 and 18 years of age by the Department of Labor include: motor vehicle driver and outside helper on a motor vehicle, operating power-driven machines, operating elevators and power driven hoisting equipment, operating chain saws, circular saws and guillotine shears, excavation, and roofing related activities.

Chapter 2. Section 13: Immigration Law Requirements

The City is committed to full compliance with federal immigration laws. These laws require that all individuals pass an employment verification procedure before they are permitted to work by

providing satisfactory evidence of their identity and legal authority to work in the United States on the actual date of hire.

Failure to provide appropriate documentation as required will result in the person not being accepted for employment, or if employed, terminated.

Any employee working under a temporary work document must ensure Human Resources is provided prompt and proper information concerning expiration or renewals of work documents. Failure to provide renewed documentation will result in termination.

Chapter 2. Section 14: Probation

Every person initially hired for a position in the City shall be required to successfully complete a probationary period of twelve (12) months. Existing employees promoted to a new position shall be required to complete a six month probation period. Completion of the probationary period does not change the employment-at-will relationship and either party may terminate the employment relationship at any time, with or without notice.

Department Directors and supervisors shall use the probationary period to closely observe and evaluate the work and fitness of employees and to encourage adjustment to their jobs and the City service. Each employee serving in the probation 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 probation period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance or conduct.

Only those employees who meet acceptable standards during their probationary periods shall be retained. Performance will be evaluated throughout the probationary period. The direct supervisor will provide feedback to an employee on probation as consistent with the City's performance management practices. The probationary period may be extended if the employee is not fully meeting the acceptable standards at the end of the twelve month period. Human Resources will provide guidance regarding the decision to extend a probationary period.

An employee is considered to have failed the probationary period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of probation may occur at any time within the probationary period and shall not be considered part of the disciplinary process.

An employee who fails probation will be separated from the City service. A newly promoted employee who fails probation may be returned to his/her former type of job, if available and approved by the Department Director, and may be eligible for consideration for later advancement. Department Directors shall ensure the thorough documentation of all cases of failure of probation.

An employee failing probation shall have no right of appeal except on the grounds of discrimination prohibited by law: race, religion, color, age, sex, ethnic/national origin, disability or veteran's status, in which case the employee may appeal in writing to the Director of Human Resources.

Chapter 2. Section 15: New Employee Processing and Orientation

The Hiring Manager and Human Resources staff will partner to ensure a successful orientation for all new employees. This will include successful completion of all required paperwork within applicable time periods.

New Employee Orientation is scheduled regularly and provides the opportunity for each new employee to learn more about city programs and applicable policies. This formal orientation is required for all part-time and full-time employees.

Chapter 3. Compensation and Work Hours

Chapter 3. Section 1: Salary Policy

The City will strive to maintain a compensation system which is internally equitable and externally competitive with similarly sized and situated cities in Texas. The evaluation and classification of positions is a process used by the City to ensure positions with similar levels of responsibility and work value are allocated similar classification levels. This entails an understanding of the relationship of a specific position to others in the City and to the City's objectives. The Director of Human Resources is responsible for annually preparing an analysis of prevailing salaries for similar positions in the competitive labor market, taking into account the variables which may be pertinent in establishing salaries or recommending changes to existing salary rates. The City Manager may recommend adjustments or revisions, including cost-of-living adjustments, to the City Council for approval as a part of the annual budget. The Human Resources Department handles administration of the salary policy.

OFFICIAL JOB TITLES

All positions shall be designated by official job titles. Official job titles shall be used in all personnel matters. Working or functional titles may be otherwise used as appropriate upon approval of the Department Director.

SALARY PAY GRADES/RANGES

Each position is assigned to a pay grade. Each pay grade has been assigned a salary range based on a range around market averages for similar positions. Within this framework, an employee's initial salary will be determined by qualifications.

PAY FOR PERFORMANCE

In any given year, the City Council may fund a merit incentive program to aid in retaining quality employees and to reward employees for productivity and job performance. Employees will be eligible for the merit incentive program administered in the fiscal year according to the guidelines established for that year.

LONGEVITY PAY

Regular full-time non-civil service employees shall be entitled to four dollars (\$4.00) per month for each year of uninterrupted service to the City, not to exceed twenty-five years. Longevity for civil service employees should be in compliance with the rates provided by Texas Local Government Code Chapter 143, or as amended by the collective bargaining agreement and the specific pay plan adopted by City Council. Part-time and temporary employees are not eligible for longevity pay. Longevity Pay shall be included in the employee's regular rate of pay in computing the overtime pay rate.

SEPARATION PAY

All employees who leave the service of the City for any reason shall receive all pay which legally may be due them. Any indebtedness to the City, which the employee may have incurred, shall be deducted from the final paycheck(s).

All employees who resign shall give at least two (2) weeks written notice before the effective date of resignation to leave in good standing. After the employee gives the two (2) weeks' notice, the Department Director may waive the two (2) weeks' notice at the City's request, as deemed necessary. If the Department Director waives the two (2) weeks' notice, the employee may be compensated for the two (2) week period.

An employee should not plan to use extensive leave time during his final two (2) weeks' notice period. The Department Director shall, at their discretion, allow the employee to use vacation, compensatory time or holiday leave during the two (2) weeks' notice period as business needs allow. At the Director's discretion any use of sick leave during the two (2) weeks' notice must be accompanied by a physician's excuse.

Chapter 3. Section 2: Advance Pay

No full or partial advance payment of salary shall be distributed to any employee outside of a scheduled payday.

Chapter 3. Section 3: Record Keeping

Department Directors will have full responsibility for reporting all hours worked for department employees which shall be maintained in the electronic attendance/payroll system.

Chapter 3. Section 4: Release of Payroll Checks

An employee's payroll check will not be released to another individual without a signature on file in the Human Resources Department authorizing such action.

Chapter 3. Section 5: Hours Worked

The Fair Labor Standards Act (FLSA) defines "hours worked" as all hours during which an employee is "suffered or permitted" to work. This includes any time during which the City knows or has reason to believe the employee is performing work of the City.

All employees are required to work hours in excess of their official hours when necessary, as determined by department management. Such additional work assignments may be rotated and allocated among employees qualified to the work. Excess hours may be required or granted for a specified period of time, or on a regular basis as operating circumstances warrant. Employees are expected to respond to a reasonable request to work extra hours, and may be subject to disciplinary action for failing to stay or report for such hours.

Unless approved in advance by an appropriate supervisor, a non-exempt employee is prohibited from performing work at any time other than, or in addition to, authorized working hours. This includes, but is not limited to, work before or after regular work hours, working through lunch or work taken or performed at home. Failure to receive appropriate prior approval may result in disciplinary action, up to and including termination.

Chapter 3. Section 6: Overtime

The FLSA requires inclusion into the regular rate of pay "all remuneration for employment paid to, or on behalf of, the employee." The regular rate of pay which is used to determine the employee's overtime rate will include all remuneration paid to the employee. Overtime will be paid in compliance with applicable provisions in FLSA.

The City has the right to require that overtime hours be compensated in the form of pay or compensatory time, as determined appropriate by the Department Director. If compensatory time is required by the Department Director or his/her designee, the employee shall be notified prior to overtime being worked. Overtime compensated monetarily shall be calculated as required by FLSA. Overtime compensated as compensatory time shall be calculated at the rate of one and one-half hours for each hour of overtime worked. All overtime to be worked must be approved in advance by the Department Director or his/her designee.

Chapter 3. Section 7: Compensatory Time Agreement (Comp Time)

The City has the right to award overtime pay in the form of payment or time off. Compensatory time off at one and one-half times the hours of overtime worked will be permitted in lieu of actual cash payment, which shall be determined by the City. This policy applies to all non-exempt employees, as well as Fire and Police personnel.

Chapter 3. Section 8: FLSA Flex Time

Flex time is earned and used in the same work week/work cycle so that no actual overtime for the week will result. Department Directors and supervisors should schedule flex time where applicable for more efficient operation of the department and to minimize overtime. This policy applies to all non-exempt employees, as well as Fire and Police personnel.

Chapter 3. Section 9: Exempt Employees

Exempt employees are those who are not covered by the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA). Accordingly, exempt employees are not legally entitled to overtime compensation for work performed beyond 40 hours in a workweek except as provided for under *Administrative Rules, Chapter 1, Section 8: Emergency Conditions*. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

“Docking” an exempt employee’s pay for a partial day’s absence will be permitted only as authorized by law and approved by the Department Director. Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which he performs no work. In addition to tax withholding, social security, Medicare, insurance contributions and other deductions authorized by the exempt employee, the following deductions may be made:

- Any full-day that the employee is absent from work for personal reasons, other than sickness or disability, and where the employee does not have available accrued paid leave;
- Any full-day that an exempt employee is absent from work for sickness or disability if the deduction is made in accordance with the City’s sick leave policy, long-term disability plan, or applicable workers’ compensation law;
- Suspension without pay for any amount of time for a violation of safety rules of major significance to the City. Such a violation would include a safety or health standard directly applicable to the City’s business;
- Suspension without pay for one or more full days for serious workplace misconduct in violation of the City’s workplace conduct rules, including, but not limited to: violations of discrimination, harassment, workplace violence and drug and alcohol policies;
- Days not worked during the employee’s initial or terminal weeks of employment if the employee did not work for the entirety of those weeks. (The employee’s salary will be pro-rated in proportion to the days or time worked.); and
- Time the employee takes as unpaid leave under the Family and Medical Leave Act (whether it is a full-time leave, or intermittent leave, or reduced schedule leave).

It is the policy of the City not to make improper deductions from an exempt employee’s pay. Any exempt employee who believes he has been, or likely will be, subject to an improper pay deduction must immediately notify Human Resources. The Human Resources Department will promptly investigate any such matter to determine whether there has been an improper deduction. If there has been an improper deduction, the City will ensure the exempt employee is

promptly reimbursed for an improper deduction and will make a good faith commitment to comply in the future.

Chapter 3. Section 10: Standby Time

All full-time employees who are waiting to be engaged (on call) and are subsequently called into service shall be paid from the moment they are on-site or clock in, if required, until the job is completed. This policy applies to all non-exempt employees.

Chapter 3. Section 11: Travel and Training Time

The determination of whether time spent travelling or in training (classes, seminars, workshops, etc.) is compensable, will be based on applicable standards such as the FLSA. Generally, any training time that is required by the city will be considered work time. Daily commuting time to and from the employee's normal work location is not considered work time. *Administrative Rules, Chapter 3, Section 8: Travel and Training Time* provides more detailed information to assist in making a determination.

Chapter 3. Section 12: Hours of Work

The City shall establish the hours of employment in the City's basic work week and establish pay periods and paydays to administer the payment of wages, salaries and overtime.

Normal hours of operation for offices of the City are established by the City Manager. In order to assure the continuity of City service, it may be necessary for departments to establish appropriate operating hours. Work hours and shifts must be arranged accordingly and each supervisor is expected to manage work hours efficiently and effectively. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of employment with the City includes the employee's acknowledgment that changing shifts or work schedules may be required and includes that they will be available to do such work as required.

Any change in a non-exempt employee's working hours must be approved in advance by the appropriate manager. Employees are not permitted to determine their own work schedule. Generally, working hours for employees shall be consistent from day to day and appropriate with the responsibilities of the position, and the needs of the department.

Chapter 4. Employee Development

Chapter 4. Section 1: Performance Management

The City of Baytown's Performance Management Program is a management tool providing supervisors and managers with objective, job specific appraisal instruments to be applied using standardized procedures. Important administrative uses of the Performance Management Program in the City include: identifying employee training needs; guiding administrative decisions regarding promotions, re-assignments, disciplinary actions, merit pay increases and terminations.

The employee performance management process is intended to accomplish the following objectives:

- To enhance individual employee performance and ensure effective City operations.
- To promote and support performance and behavior which is aligned with the City's values-based culture.
- To document both formal and informal performance discussions held with employees throughout their tenure.
- To identify and enhance employee strengths and develop action plans to address areas of improvement.
- To link employment decisions with employee performance when applicable.

An employee's failure to meet job requirements or failure to satisfactorily perform job duties may result in a performance improvement plan or disciplinary action, up to and including termination.

Chapter 4. Section 2: Performance Evaluation Review

All employees during their probation period shall receive their first performance review within ninety (90) days of employment. Thereafter, employee job performance shall be reviewed at a minimum on an annual basis to evaluate job performance and facilitate communications between employees and supervisors. Employee performance reviews shall be in writing. Each supervisor will be required to file a performance review report for each employee with the Human Resources Department as part of the annual review process.

If an employee is absent during the year for an extended period of time, the review may be delayed until sufficient time has passed in which to evaluate the employee's performance.

Chapter 4. Section 3: Training

The City will provide appropriate training for City employees subject to available funding. All training must be aligned with City-wide training strategies or certification requirements for a specific job.

Human Resources will sponsor City-wide training for areas of development deemed necessary for all or a large portion of City employees. Each Department can establish training for their specific needs.

Employees and supervisors have a shared responsibility in the creation and implementation of an employee development plan.

- *Individual Employee Responsibility* - Each employee is accountable for her/his job performance. Employees should request training from their supervisor in the areas that need improvement. At a minimum, employees should be able to perform their essential job duties and consistently exhibit behavior which is aligned with the City's values.

- *Immediate Supervisor Responsibility* – The immediate supervisor is responsible for the overall development of his/her employees. Supervisors shall identify areas for development and ensure training opportunities. Supervisors should ensure their employees are well trained to perform their job duties and deliver exceptional service delivery and customer service.

Chapter 5. Employee Benefits

Chapter 5. Section 1: Employee Health, Welfare and Development

The City provides a variety of benefits, services, and programs for employees. Some programs are provided according to law; others are provided at the option of the City. Eligibility for these programs may depend upon the type of position occupied.

The Human Resources Department is responsible for administering the programs contained in this section. It is the responsibility of the Director of Human Resources to recommend additions, deletions, or modifications to benefit programs to the City Manager for review and approval. The City Manager is responsible for presenting benefit programs to the City Council for consideration during the annual budget process.

City employees should become thoroughly familiar with all aspects of their benefits. The Human Resources Department is responsible for informing new employees of available benefits through the New Employee Orientation program. The Department also provides benefits information to employees in various plan description booklets and through organizational publications. Each department's supervisory personnel should become familiar with fundamental aspects of the benefits programs in order to answer routine questions. Human Resources is available to answer questions of a difficult or technical nature or to provide individual counseling.

For purposes of leave accruals, a day is defined as eight (8) hours except for Civil Service Fire employees who are assigned to a 24-hour shift which will be defined as twelve (12) hours.

Chapter 5. Section 2: Holidays

The City provides full-time employees paid holidays during the fiscal year as approved by Council in the budget. Part-time, temporary and seasonal employees shall not be granted paid holidays.

Effective January 1, 2017, holiday time will be paid or accrued on an 8-hour per day basis except for Civil Service Fire employees assigned to 24-hour shifts which will be paid or accrued on a 12-hour per day basis. Holidays may not be accumulated beyond 72 hours, or 108 hours for firefighter shift personnel.

If the holiday falls on a Saturday, the preceding Friday shall be observed, and if a holiday falls on a Sunday, the following Monday shall be observed. As many employees as possible shall be given each holiday off while providing for the maintenance of essential City functions.

An employee who is terminated for gross misconduct (e.g., positive drugs, theft, destruction of City property, job abandonment etc.) shall be ineligible for payment of accumulated holiday leave.

Chapter 5. Section 3: Vacation

Full-time non-civil service employees shall earn vacation leave for service after January 1, 2017, as follows:

Years of COB Service	Vacation per Year
0 – 5 years	10 days
6 – 12 years	15 days
13 – 22 years	20 days
Over 23 years	25 days

Civil Service employees shall earn vacation leave for service after January 1, 2017, as follows:

Years of COB Service	Vacation per Year
0 – 17 years	15 days
18 – 23 years	20 days
Over 23 years	25 days

The employee's most recent hire date shall be used as the anniversary date for the purpose of calculating vacation accrual. Years of service is based on continuous employment with no break in service. Employees may carry forward up to two times their annual accrual rate. When an employee has reached his/her maximum allowed accrual amount, each pay period additional accruals will be added to the employee's bank; and if not used during that pay period, the oldest accruals will be deducted to maintain the maximum allowed.

All vacation taken must be approved in advance by the employee's supervisor. This approval will necessarily balance the needs of the City and the needs of the employee. When there are conflicting requests from employees, the supervisor will distribute the vacation fairly among the requesting employees.

Employees are not eligible to take vacation during their first six months of employment unless authorized by the Department Director and the Human Resources Director. Upon separation from service, regular employees who have completed six (6) months of service with the City shall be paid for any accrued, but unused, vacation leave. All vacation leave is forfeited if the employee separates from employment prior to completion of six (6) months of employment with the City. Additionally, an employee who is terminated for gross misconduct (e.g., positive drugs, theft, destruction of City property, job abandonment, etc.) shall be ineligible for payment of accumulated vacation leave.

Chapter 5. Section 4: Sick

All full time employees shall earn 15 days of sick leave annually. Part-time and temporary employees shall not earn sick leave.

For non-civil service employees hired prior to January 1, 2017, accumulation of sick leave credits for use during employment for shall be limited to 120 days.

For non-civil service employees hired after January 1, 2017, accumulation of sick leave credits for use during employment for shall be limited to 90 days.

When an employee has reached his/her maximum allowed accrual amount, each pay period additional accruals will be added to the employee's bank; and if not used during that pay period, the oldest accruals will be deducted to maintain the maximum allowed.

For Civil Service employees, accumulation of sick leave credits for use during employment shall be unlimited as provided in Chapter 143 of the Local Government Code and required by State law.

In the event of rehire, sick leave credits will not be restored to an employee.

Sick leave may be taken for the employee's own personal illness, injury, legal or doctor-ordered quarantine, or routine health care appointments which cannot reasonably be scheduled outside working hours. Employees are eligible for up to five (5) days per calendar year in the event of an illness within the employee's immediate family.

An employee who becomes ill or injured on a previously scheduled vacation day may request that the time be recorded as sick time as opposed to vacation. In this scenario, the employee's immediate supervisor or Department Director may request documentation verifying the illness or injury in considering the request.

NOTICE TO DEPARTMENT

Notice of employee absence due to a non-job-related injury or illness must be given daily by the employee to that employee's immediate supervisor or Department Director. Failure to do so may cause the employee's absence to be charged to leave without pay. Emergency situations, which might prevent compliance with the provisions of this paragraph, shall be taken into consideration by the Department Director. Exceptions to the daily reporting requirement would be hospitalization, or a prolonged catastrophic illness, or a determination by the City that the absences qualify as Family and Medical Leave.

ABUSE OF LEAVE TIME

The number of sick leave days credited is not intended to establish a guideline for acceptable attendance. Claiming of sick leave benefits in excess of reasonable standards set by an attendance policy will constitute grounds for supervisory review. Likewise, evidence of the abuse of this benefit may constitute grounds for disciplinary action up to and including termination. Frequent claiming of sick leave, except as covered by the Family and Medical Leave Act, may constitute grounds for the Department Director to question if the employee is unable to perform the essential functions of the job.

An employee's supervisor may request documentation verifying the circumstances surrounding any use of sick time. Employees using more than three days of sick time in a quarter may be placed on medical certification at the Department Director's discretion. Employees placed on medical certification shall be notified of this action and documentation of the notification will be forwarded to Human Resources. Each subsequent absence by an employee placed on medical certification will require documentation verifying the circumstances of their absence in order to receive pay for sick leave.

EXHAUSTION OF BENEFIT

After an employee's accumulated sick leave has been exhausted, an employee shall first use compensatory time, and then personal holiday time, then vacation time, for circumstances that would qualify as sick leave.

SEPARATION

Full-time non-civil service employees who have completed five (5) years of service with the City, and are separated for non-disciplinary reasons, shall be paid for one half of their accrued sick days up to a maximum payment of 45 days calculated to the lowest whole day.

Effective January 1, 2017, full-time non-civil service employees who have completed ten (10) years of service who are separated from the City for reasons other than gross misconduct (e.g., positive drugs, theft, destruction of City property, job abandonment, etc.), including death and retirement shall be paid for all accrued sick leave up to a maximum payment of 90 days. Employees hired prior to January 1, 2017, will be paid up to a maximum of 120 days upon death or retirement.

Effective January 1, 2017, civil service employees separated from the City shall be paid for accumulated sick leave up to a maximum of 90 days as outlined in Chapter 143 of the Local Government Code and required by State law. Employees hired prior to January 1, 2017, will be paid up to a maximum of 120 days upon death or retirement.

Chapter 5. Section 5: Family and Medical Leave

This policy is consistent with the Family and Medical Leave Act (FMLA) to enable employees to receive time away from work without pay for limited periods to attend to specified family needs or their own serious health condition with job protection and no loss of accumulated service.

EMPLOYEE ELIGIBILITY

The policy applies to all employees who have worked for the City for 12 months and for at least 1,250 hours during the 12 month period preceding the leave. Eligible employees may take up to twelve weeks of unpaid leave per a 12 month period for a qualifying event or up to 26 weeks of unpaid leave in a single 12 month period to care for a covered service member with a serious injury or illness. The employee may take intermittent or reduced leave (reduction in weekly work hours) with the permission of their supervisor or when medically necessary. The City also requires that employees use any available accrued leave (sick, vacation, comp time, holiday/personal holiday) prior to being granted unpaid leave. This paid leave satisfies part or all of the 12 week mandated family and medical leave. Workers' Compensation, sick leave, vacation leave, compensatory time, and holiday/personal holiday will run concurrently with Family Medical Leave. Employees may use sick accruals prior to using other accruals when taking FMLA qualifying leave for a family member.

Leave (paid or unpaid) for up to 12 weeks in a 12-month period is available under one or more of the following circumstances:

- The employee's own serious health condition that prevents him or her from performing the functions of his or her job. A serious medical condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider.
- The employee's serious health condition as a result of an on-the job injury that prevents him or her from performing the functions of his or her job.
- The birth of a child and to care for the newborn child. This applies to both the mother and the father. The expectant mother may take FMLA leave for prenatal care or if the pregnancy makes her unable to work prior to the actual birth of the child.
- The placement with the employee of a child for adoption or foster care. This leave must be given before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed.

- The serious health condition of a parent, spouse, child under age 18, or an adult child who cannot care for him/herself. A “parent” need not be a biological parent provided that the individual acted as a parent to the employee. Similarly, the “child” need not be a biological child but may be adopted, foster, legal ward, or a child related to the employee whom the employee is raising.
- A qualifying exigency arising out of the fact that your spouse, child, or parent is on active duty or called to active duty status in support of a contingency operation as a member of the Armed Services/National Guard or Reserves.

The City of Baytown uses the rolling 12-month period measured backward from the date an employee uses any FMLA Leave under these circumstances.

Leave (paid or unpaid) for up to 26 weeks in a 12-month period is available under the following circumstance:

- To care for a spouse, son, daughter, parent, or next-of-kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next-of-kin is defined as the closest blood relative of the injured or recovering service member. This type of FMLA leave is also known as military caregiver leave or covered service member leave.

The City of Baytown uses the rolling 12-month period measured backward for employees on FMLA leave under this circumstance. The FMLA military caregiver leave may only be used once during the employee’s tenure with the City of Baytown.

No loss of seniority will occur while the employee is on a FMLA leave of absence. Group health benefits will be continued on the same basis as coverage provided if the employee had been continuously employed during the leave period. Therefore, any share of health benefit premiums, which had been paid by the employee, must continue. If the employee’s premium payment is more than 20 days late, coverage ceases. If coverage lapses because an employee has not made required premium payments, upon the employee’s return from leave the employee’s benefits will be restored and the employee will not be required to meet any qualification requirements. Employees are responsible for payment of their coverage premiums and other authorized payroll deductions while they are on a leave of absence without pay.

After completion of twelve (12) weeks of leave under the Family and Medical Leave Act, or twenty-six (26) weeks of leave if applicable, if an employee is unable to perform the essential duties of their assigned position, reasonable accommodations may be made by the City to provide for the employee to perform such duties. If reasonable accommodations cannot be made and the employee is unable to perform the essential duties of his assigned position, they may be terminated.

An employee shall not perform any outside work, engage in extra-duty employment, or vacation at any time when the employee is on leave under FMLA. Violations may result in denial of FMLA leave and disciplinary action up to and including termination.

REINSTATEMENT

Upon return from a family and medical leave of absence, the employee will be reinstated in the employee’s previous position, if available, or to a comparable position for which the employee is qualified. Employees on leave must notify their supervisor as soon as reasonably practical of availability and intent to return to work. An employee’s failure to return from leave, or failure to contact his/her immediate supervisor or Human Resources on the scheduled date of return, will be considered a voluntary resignation.

If the employee on leave of absence is a salaried employee and is among the highest paid ten percent of City employees living within 75 miles of the City, and keeping the job open for the employee would result in substantial disruption to City operations, reinstatement to the position may be denied. The employee will be given an opportunity to return to work, however in a different job.

SPOUSES EMPLOYED BY THE CITY

If both spouses are employed by the City, and each wishes to take leave for the birth of a child, adoption or placement of a child for foster care, or to care for a parent (but not parent-in-law) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave.

If both spouses are employed by the City, and each wishes to take leave to care for a covered ill or injured service member, the husband and wife may only take a combined total of 26 weeks of leave.

This limitation does not apply to leave for either the husband's or wife's own serious health condition or the serious health condition of a child.

Chapter 5. Section 6: Paid Absences

The City may provide paid absences for such things as training and development, civic duty, death in immediate family, funerals, personal emergencies, administrative absences, and emergency situations.

Chapter 5. Section 6a: Training and Development

With approval of the Director, a supervisor may grant an employee leave with pay when the employee is away from their job site but is performing a function related to his/her job.

These functions include, but are not limited to, attending a professional conference, convention or training activity, legislative proceedings, or other purposes in the interest of the City.

Chapter 5. Section 6b: Civic Duty (Voting)

The City encourages all employees to fulfill their civic responsibilities by participating in elections. However, all employees should make every effort to vote outside normal working hours. If employees are unable to vote in an election during their non-working hours, the City shall allow employees to use accrued vacation leave, compensatory leave, or flex hours for the number of hours necessary for the employee to vote.

Employees should request time off to vote from their supervisor at least two working days prior to the election day so that necessary time off may be scheduled at the beginning or end of the work period, whichever provides the least disruption to the normal work schedule.

Chapter 5. Section 6c: Jury Duty

An employee called for jury service shall be granted special absence with pay during such service and shall retain the fee paid by the courts.

An employee excused or released from jury service during working hours shall report to his/her work station unless otherwise instructed by their supervisor.

A copy of the jury summons shall be submitted to his/her supervisor.

Chapter 5. Section 6d: Witness

An employee will be excused with pay to fulfill his/her civic duty to testify as a witness in a judicial proceeding where the employee has no personal benefit when he/she is served with a subpoena. The employee should notify their supervisor as soon as they are served and provide a copy of the subpoena to their supervisor.

Chapter 5. Section 6e: Emergency Leave for Funerals

An employee may be excused with pay in order to attend a funeral for a member of his/her family (within the second-degree consanguinity and affinity). Supervisors may require proof of funeral attendance and relationship to the deceased. Department Directors, after ascertaining the exact circumstances, may grant a full time employee up to five (5) working days of paid emergency leave for immediate family (husband, wife, son, daughter, father, mother) or up to three (3) days for all other family members within the second-degree consanguinity and affinity. Emergency leave shall not be charged against vacation or sick leave.

If multiple deaths occur simultaneously within the family, a special exception to the allowance of five (5) days may be approved by the Department Director.

Part-time and temporary employees may be granted unpaid emergency leave in the above circumstances.

Chapter 5. Section 6f: Emergency Situations

During emergencies, a full-time or regular part-time (not seasonal) employee who is ordered not to report to work, to leave work early or who cannot report for work because of inclement weather or disaster may be granted administrative absence with pay by the City Manager.

Chapter 5. Section 7: Leave Without Pay

City employees may be granted leave without pay for religious observance, to satisfy military service obligations, or in certain circumstances involving illness or injury. All leave accrual must be exhausted prior to receiving leave without pay.

Leave without pay is granted as a matter of administrative discretion. No employee may demand leave without pay as a matter of right, but it may be granted to any regular employee. Leave without pay for personal reasons shall not materially affect normal business operations. While on leave without pay, an employee shall remain eligible for health insurance benefits; however, the employee's portion of any premiums, supplemental insurance and dependent coverage must continue to be paid by the employee during such leave.

Employees on authorized leave without pay status shall not accrue benefits. In circumstances not falling within other provisions of these rules, the City Manager may authorize an employee to take leave without pay under terms and conditions the City Manager determines appropriate. All leave must be requested through and approved by the Department Director and the Human Resources Director.

Chapter 5. Section 7a: Religious Observance

With the approval of the employee's supervisor, employees desiring to observe religious holidays not coinciding with official City holidays may be given time off to observe the religious holiday of their choice. The employees have the option to use their personal holiday, vacation or accrued compensatory time or be placed on leave without pay to observe the religious holiday of their choice.

Chapter 5. Section 7b: Military Leave

Military leave shall be granted in accordance with applicable State and Federal laws. The City of Baytown shall not discriminate in the employment or take any adverse action against any person who exercises rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Employment actions under this Act include initial employment, reemployment, retention in employment promotion, or any benefit of employment, for any person who is a member of, applies to perform, or has an obligation to perform service in, a uniformed service.

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

Employees preparing to take authorized military leave shall furnish their Department Director with copies of military orders or other appropriate certification.

The City will provide a paid leave of absence to employees who are members of the Armed Forces or a reserve component for authorized training or duty that is ordered by official military authority for not more than fifteen business (15) days in a fiscal year. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work. 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.

FMLA leave for a military qualifying exigency and/or military caregiver leave is covered in *Personnel Policy, Chapter 5, Section 5: Family and Medical Leave*.

Chapter 5. Section 7c: Tardiness

Non-exempt employees may be docked for time not worked. Disciplinary action up to and including termination may result from tardiness in addition to being docked for time not worked.

Chapter 5. Section 7d: Absence Without Leave

An employee failing to report for duty or remain at work as scheduled without proper notification, authorization, or excuse shall be considered absent without leave and shall not be in a pay status for the time involved. Absence without leave constitutes abandonment of duties, which may result in disciplinary action, up to and including termination.

Chapter 5. Section 8: On-The-Job Injury Leave

An employee injured in the line of duty shall receive worker's compensation or injury leave benefits under the terms and conditions prescribed in the applicable programs and as required by law. The State of Texas Workers' Compensation laws provide that an employee who suffers a disability that results in lost duty days due to an injury while in the course of their employment may be entitled to "Income Benefits".

Disability occurs when the work-related injury or illness causes an employee to lose the ability to earn their pre-injury wage. Disability refers to an employee's inability because of a compensable injury to obtain or retain employment at wages equivalent to the pre-injury wage, not to a physical handicap.

These income benefits are calculated at a rate of at least 70% of the employee's weekly income prior to the injury. The worker must be disabled by the injury for at least seven (7) days to be eligible for income benefits. The employee becomes eligible for and begins accruing temporary

income benefits on the eighth day of disability. Any payments made in error to the employee will be required to be repaid to the City.

An employee who sustains an injury or illness in the performance of their duties will fully and promptly report, however minor, to his/her supervisor as soon as possible, but no later than the next business day in order for injury leave to be paid. Employees who suffer work-related injuries or illnesses that require medical attention may be subject to alcohol and controlled substance testing. The Human Resources Department will coordinate with the employee's physician to determine whether the injury would allow an employee to perform modified work or other duties.

Employees who are on leave will update their supervisor and/or Human Resources at regular intervals of the employee's status. Failure to maintain contact will be viewed as an unwillingness to cooperate and addressed through disciplinary action.

If the workers' compensation injury meets the criteria for a serious health condition, injury leave will run concurrently with FMLA leave as indicated in *Personnel Policy, Chapter 5, Section 5: Family and Medical Leave*.

An employee who is unable to perform the essential functions of his/her position due to a disability, injury, illness, or medical condition (and reasonable accommodation is not possible) and FMLA has been exhausted is not guaranteed a return to his/her position at the completion of his/her injury or illness. If, after consultation with Human Resources, a supervisor determines that a department's or division's productivity or ability to deliver services is adversely affected because of the vacancy in the position, the employee may be administratively removed from his/her position during his/her leave. When an employee who has been administratively removed from his/her position is able to return to work with the appropriate medical releases, that employee will be considered for any open position in the City for which that employee is qualified. Employees who are not disabled as defined by the ADA (as referenced in *Personnel Policy, Chapter 1, Section 3: Discrimination & Retaliation-Free Work Environment Policy*) will be required to compete for open positions.

Chapter 5. Section 9: Paid Parental Leave

The City of Baytown provides Paid Parental Leave (PPL) to employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption, foster care, or other legal placement to care for and bond with the child.

Eligibility

Eligible employees must have been employed with the City for at least 12 months in a full-time position, meet FMLA leave eligibility requirements, and meet one of the following criteria:

- Have given birth to a child;
- Be a co-parent of a person who has given birth to a child;
- Have adopted a child age 17 or younger, except for adoption by one spouse of the other spouse's child; or
- Placement with the employee of a foster child, or other child, to whom the employee stands in the position of a parent (in loco parentis), age 17 or younger.

PPL is not allowed for placement of a child in parental custody cases, adoption by one spouse of the other spouse's child, or legal assignments as a Guardian ad Litem. Surrogate mothers and sperm donors are also excluded from this policy. For adoptions, other than an adoption by

one spouse of the other spouse's child, the employee may choose whether the date of adoption of a child is the date the child is initially placed in the employee's home as a foster child or in anticipation of legal adoption, or the date the adoption is approved by a court of law.

Paid Parental Leave

The City provides up to fifteen days (120 hours maximum, 180 hours for Civil Service Fire shift personnel) of PPL following birth, adoption, or foster care placement on a rolling 12-month time frame. In no case will an employee receive more PPL during a rolling 12-month time frame regardless of whether more than one birth, adoption, or foster care placement occurs within that time frame. If both parents are employed by the City, and each is eligible for PPL as provided in this policy, each parent may use their allotted maximum of PPL. PPL runs concurrently with FMLA and will not increase, in whole or in part, the amount of FMLA leave available to employees.

PPL is compensated at 100 percent of the employee's regular, straight-time weekly pay. PPL is not counted as time worked. PPL will be paid on a biweekly basis on regularly scheduled pay dates.

PPL may not be used prior to the actual birth or placement of a child. PPL is available for 18 months following the birth, placement or adoption of a child as defined above. Any unused PPL will be forfeited at the end of the 18-month time frame. PPL may not be banked for future use and any balance will not be paid out at separation. PPL will be used prior to use of other accrued leave and employees are not required to exhaust all leave before taking PPL. If a City holiday occurs while the employee is on PPL, the absence will be charged to holiday pay, unless the employee accrues holiday leave, and will not count towards PPL.

Available accrued leave (for example, sick, vacation, holiday) may be used to extend paid leave beyond the fifteen days of PPL. The City will maintain all benefits for employees during the paid parental leave period just as if they were taking any other paid leave.

Requesting PPL

Employees must submit their request for PPL when submitting their FMLA leave request and inform their supervisor of their intention to use PPL during their absence. The employee must request FMLA leave in accordance with Chapter 5. Section 5: Family and Medical Leave of both the City's Personnel Policy and Administrative Rules. The employee must complete the necessary forms and provide all documentation as required by Human Resources to substantiate the request.

Chapter 6. Conduct

Chapter 6. Section 1: Attendance

Employees shall be at their place of work in accordance with City and departmental policies and regulations. Department Directors shall establish work schedules and maintain daily employee attendance records. Supervisors will exercise the primary management-level responsibility to oversee employee attendance. Excessive absences, excessive tardiness, failure to report to work without reporting the reason to the immediate supervisor, failure to follow the procedures for requesting or using leave are undesirable performance factors and will be managed by supervisors who may use the disciplinary process up to and including termination if necessary.

Chapter 6. Section 2: Work Performance

It shall be the duty of each employee to maintain high standards of cooperation, efficiency, and economy while working for the City. Department Directors shall organize and direct the work of their departments to achieve these objectives.

If the work habits, production, and/or personal conduct of an employee fall below appropriate standards, supervisors should address the deficiencies at the time they are observed. Counseling and warning the employee, if there is sufficient time for improvement, should ordinarily precede formal disciplinary action. Where appropriate, the City maintains a practice of progressive discipline. The steps are outlined but not limited to the following:

- a) Verbal Warning/Counseling
- b) Written Reprimand
- c) Suspension - Days off without pay can be made by the supervisor after approval by the Department Director and approval by the Director of Human Resources or designee
- d) Reduction in Pay - Can be made by the supervisor after approval of the Department Director and approval by the Director of Human Resources or designee
- e) Demotion - Can be made by the supervisor after approval of the Department Director and approval by the Director of Human Resources or designee
- f) Termination - Can be made by the supervisor after approval of the Department Director and approval by the Director of Human Resources or designee
- g) Other actions may be taken by the Director as deemed appropriate.

Nothing herein shall prevent immediate formal action up to and including termination, as provided elsewhere in the Personnel Policies, whenever the interest of the City requires.

All written notices of disciplinary action should be signed by the supervisor and the employee. The notice should include a description of the employee's conduct, action taken in response and, except in cases of dismissal, the likely consequences of further unsatisfactory conduct. All original written notices and documentation of disciplinary actions are to be forwarded to the Human Resources Department for inclusion in the employee's personnel file.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases or other beneficial personnel action. The employee shall have the opportunity to appeal only those disciplinary actions that result in suspension, demotion, involuntary termination or other loss of employment status, benefits or compensation.

Appeals of adverse disciplinary actions are referenced in *Personnel Policy, Chapter 7, Section 3: Appeal of Disciplinary Action*.

Chapter 6. Section 3: Safety Standards

All employees of the City are required to comply with safety standards and guidelines established by the City and their respective departments.

Chapter 6. Section 4: Political Activity

It is the policy of the City to encourage its employees to fully exercise their constitutional rights as citizens to vote and participate in political activities. Although the City encourages active participation in electoral activities, employees should be aware of certain provisions which apply to them. Except as may be otherwise provided by law or contract, the following restrictions on political activity shall apply to City employees:

- a) City employees shall not use their positions for or against any candidate for public office in any jurisdiction;
- b) City employees shall not use working hours or City property to solicit or attain any subscription, contributions, or political service, or to circulate any petition or campaign literature on behalf of any candidate for public office; and
- c) City employees shall not engage in any political activity, with or without remuneration that would constitute a conflict of interest with their City employment.

All employees will refrain, while in uniform or on duty, from using their influence publicly and directly in any way for, or against, any candidate for elective office. No employee of the City will be required to participate in any City election on behalf of any candidate for City office, nor shall any City equipment be used by or on behalf of any political candidate.

Chapter 6. Section 5: Solicitation

Solicitation is defined as any act or attempt to advertise, market, take orders, offer to sell, sell any product or service, or seek contributions for organizations, campaigns, or charitable purposes. Solicitations, including personal e-mail addresses, are not permitted by employees for personal profit during working time or at any time in working areas. An employee may not engage in solicitation of other employees while they are on duty. Solicitation shall not be permitted of or by City employees during work or business hours, other than for the following exceptions:

- a) Solicitation of funds for the purpose of parties, gifts, flowers, cards, or events for a City employee shall be permitted of or by City employees during work or business hours.
- b) Solicitation of funds for City sponsored functions and events for charitable purposes shall be permitted of or by City employees during work or business hours.
- c) Solicitation of funds shall be permitted for local, not-for-profit youth-sponsored events (i.e. school, band boosters, scouting). Solicitation of funds for these purposes shall be limited to placing order forms or products for employees to view at their leisure. Distribution of purchased goods shall only be permitted during lunch, or before or after work hours. For these types of solicitations use of city email or equipment to send mass and/or unsolicited communications regarding these activities is prohibited.

No employee is required to make any contribution, nor will an employee be penalized in any way in connection with his/her employment according to his/her response to a solicitation of funds for City sponsored functions or events.

Salespersons and vendors attempting to conduct unsolicited business with employees should contact the Human Resources Department. Human Resources will provide for distribution of discount flyers or handouts for all employees.

Chapter 6. Section 6: Secondary Employment

Each employee of the City shall understand that his position with the City is his primary occupation, and it shall take precedence over all secondary jobs at all times. City employees may engage in secondary employment provided they receive prior written approval from their Department Director. An employee who is working another job at the time of hire, and who intends to continue the other employment, must so advise the appropriate Department Director and receive written approval to continue the secondary employment. Approval must be placed in the employee's personnel file in Human Resources. Failure to acquire approval could lead to disciplinary action.

When engaged in secondary employment, the employee must notify the Department Director or designee in writing of the place and type of employment or business, and the hours of work. Secondary employment shall not be permitted if it will bring the City into disrepute, reflect discredit upon the employee as an employee of the City, or interfere/be in conflict with the performance of the employee's City duties. Secondary employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If secondary employment causes or contributes to job-related problems, it must be discontinued, and if necessary, disciplinary procedures will be followed to address the specific problems.

An employee whose position requires him to occupy an "on-call" status shall recognize such status as an obligation to the City and shall fulfill that obligation if called to work for the City during these hours even while working at a secondary job.

An employee shall not perform any secondary employment at any time when the employee is on FMLA leave, sick leave, disability leave, workers' compensation leave, administrative leave, or an unpaid leave of absence, or on restricted or light duty. An employee shall not perform any secondary employment within eight (8) hours after the employee's missed work period with the City due to the employee's illness or injury. Any exceptions must be expressly authorized in writing by the Department Director and the Human Resources Director.

No employee shall engage in any employment or business where the work performed by the employee or that of the employee's agents is subject to approval/rejection, inspection, or licensing by the City except pursuant to authorized department policies. However, nothing in this section shall prohibit an employee from performing the same or other services that he performs for the City for a private or public organization if there is no conflict with his City duties and responsibilities.

No employee shall engage in any employment or business on a matter which is or has been the subject of an investigation by the employee's department within the last twelve (12) months, nor may the employee appear as a witness except by court order in any proceeding as a result of such employment.

No employee shall identify himself with his position, department, or the City in the course of a sale or solicitation for sale of any goods or services or the advocacy of any policy, practice, standard or position not officially sanctioned by the City.

These rules apply whether or not there is compensation for the work or employment.

Chapter 6. Section 7: Acceptance of Gifts

Employees shall not directly or indirectly solicit, accept, or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part. In many instances, businesses have a policy of giving gifts during the holiday seasons and

return of such gifts could create unnecessary ill will for the City. Under these circumstances, gifts will be donated to appropriate organizations or made available for general employee consumption. Should any question concerning the procedure for disposing of a gift arise, the Department Director should be consulted. Employees should not take advantage of their position to secure gifts or special privileges either for themselves or others.

Chapter 6. Section 8: Disclosure of Information

Disclosing information that could adversely affect any City property, business dealing, or any affair of the City, or using information gained while working in the City for the benefit of himself/herself or others at harm to the City, is prohibited.

Chapter 6. Section 9: Abuse of City Property

The purpose of this section is to ensure proper care and accountability in handling City property and equipment. City property and equipment are to be used only by those authorized to use it. Use shall be limited to official City purposes and in the capacity for which it was assigned, except when otherwise directed by an appropriate supervisor or required by necessary circumstances. Misuse of City property may include, but is not limited to, negligent or intentional damage or destruction of City equipment or property, waste of materials or negligent loss of tools or materials, improper maintenance of equipment, or damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended. Violations of any provisions within this policy will be grounds for disciplinary action, up to and including termination. In addition to being subject to appropriate disciplinary action, an employee may be responsible for the repair or replacement of any item lost or damaged by the employee.

Chapter 6. Section 10: Personal Appearance

All employees, regardless of work location and degree of public contact, are expected to dress and groom appropriately and are expected to maintain a good general appearance at all times. Uniforms, as well as other attire, should be appropriate, clean, and pressed.

Chapter 6. Section 11: Alcohol and Drug Screening Procedures

Being a public employer, the City is entrusted with the health and safety of its citizens. In keeping with this obligation, the City will administer the following types of alcohol and/or drug screening programs:

- *Pre-employment screening* - individuals who seek employment with the City will be required to undergo drug screening procedures as part of the pre-employment physical examination. All applicants receiving a contingent offer of employment must successfully complete a urinalysis drug screen as part of the pre-employment medical examination. If the selected applicant is found to be positive for legal drugs, he/she must provide within 24 hours of request by the City Physician, a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name or the applicant does not provide a current prescription, or if according to the City's designated Physician the drug is one that impairs the applicant's ability to perform the job duties, the applicant may be denied employment.
- *Reasonable suspicion testing, post incident/accident testing, random testing for safety sensitive positions* -The City considers consumption of or being under the influence of drugs or alcohol while on duty just cause for disciplinary action, up to and including termination. The City also considers a positive drug screen indicating illegal drugs in the

body to be just cause for disciplinary action up to and including termination. The City does not have the responsibility to prove impairment.

All employees of the City have a right to work in a drug and alcohol-free work environment. The safety concerns as well as potential liability issues make it imperative that the City operate under these standards. In order to protect the safety of all employees and act in the best interest of the City, the Director of Human Resources shall outline specific policies and procedures to accomplish this purpose.

Chapter 6. Section 12: Rehabilitation Program

The City recognizes that alcohol and drug abuse can be successfully treated. Therefore, the City provides a confidential Employee Assistance Program (EAP) for its employees and their dependents that have personal problems including, but not limited to, drug or alcohol dependency. Refer to *Administrative Rules, Chapter 5, Section 1b: Discretionary Benefits*. The City encourages the usage of the EAP as a source to assist the employee and dependents in identifying resources to resolve their problems. The Human Resources Department has further specific information on the EAP.

Participation in a program does not limit the City's right to seek reasonable assurances that no use of drugs or alcohol is currently occurring. In similar terms, the employee is subject to continued drug and alcohol screening at the discretion of the City.

If an employee elects to self-identify as having an alcohol or drug related problem, is willing to immediately participate in and successfully complete a treatment program and agrees to being monitored through drug/alcohol tests at the discretion of the City, the City will make reasonable accommodations to assist the employee and will not take disciplinary action based on the self-identification. The City will request periodic proof of participation and drug/alcohol testing. Failure to comply with the provision or a positive test result indicating illegal drugs or alcohol in the system shall result in immediate termination. An employee may not make a self-referral in order to avoid a potential drug or alcohol test or disciplinary action.

Chapter 7. Discipline and Appeals

Chapter 7. Section 1: Grounds for Disciplinary Action

The City Manager, or designee, may take disciplinary action against an employee for just cause. Just cause shall be related to the job involved and shall include but not be limited to illegal, unethical, abusive, or unsafe acts; violation of City rules, regulations, policies, or procedures; insubordination; inefficiency; neglect or abandonment of duties; participation in prohibited political activity or solicitation; abuse of sick leave, injury leave, disability leave, or other benefits; tardiness or absence without leave; falsification of official documents or records; using or a presence in the system of illegal drugs or under the influence of intoxicating beverages while on duty; waste, damage, or unauthorized use of City property or supplies; unauthorized use or disclosure of official information; unauthorized or improper use of official authority; failure to respond to or cooperate with a City investigation.

Chapter 7. Section 2: Types of Disciplinary Action

Formal disciplinary action taken shall be consistent with the nature of the deficiency or infraction involved and the record of the employee. Formal disciplinary action shall include written reprimand, suspension, reduction in pay, demotion, and termination. Any of the foregoing types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the exact circumstances. An employee may be formally warned at any time that he/she may be terminated or otherwise disciplined for further unsatisfactory performance and/or conduct.

Nothing herein shall prohibit the administration of informal disciplinary action, such as oral reprimands, for just cause. Supervisors should meet privately with employees to discuss performance or behavioral problems when they first arise.

Human Resources must be advised of and consulted prior to suspension or termination of an employee.

Employees covered by civil service law will be covered by disciplinary procedures outlined in Chapter 143 of the Texas Local Government Code, to the extent civil service is different from these rules.

Chapter 7. Section 2a: Written Reprimand

As a step in the discipline process, an employee may be reprimanded in writing. The written reprimand shall describe the deficiency or infraction involved and may state the likely consequences of further unsatisfactory performance and/or conduct. Human Resources is available for consultation and assistance in drafting or reviewing written reprimands. The signed written reprimand shall be forwarded to Human Resources for the employee's official personnel file.

Chapter 7. Section 2b: Suspension

A Department Director may suspend an employee without pay for disciplinary reasons, which will be reviewed by the Director of Human Resources or designee. A written notice of suspension must be given to the employee which describes the deficiency or infraction involved and should state the likely consequences of further unsatisfactory performance and/or conduct. The suspension shall be noted in the employee's official personnel file.

When an employee is under investigation for a crime or official misconduct or is awaiting a hearing or a trial in a criminal matter, he/she may be suspended with or without pay for the

duration of the proceedings when such suspension would be in the best interests of the City and the public. If the investigation or proceedings clear the employee, he/she shall be eligible for reinstatement under such terms and conditions as may be specified by the City Manager.

Chapter 7. Section 2c: Demotion

An employee may be demoted upon the employee's request or for disciplinary reasons by the supervisor for inability to adequately perform the current job if an opening exists in a lower level position. This decision is an alternative to termination, at the discretion of the Department Director, based on the employee's prior proven work record and job performance. This action will be reviewed by the Director of Human Resources or designee.

A written notice of demotion must be given to the employee which describes the deficiency or infraction involved and which states the likely consequences of further unsatisfactory performance and/or conduct. The demotion shall be permanently noted in the employee's official personnel file, but the employee shall not be disqualified from consideration for later advancement.

Chapter 7. Section 2d: Termination

The Director of Human Resources or designee should be advised and consulted prior to termination of any employee. Termination may culminate the end of the disciplinary or poor performance process or may occur as the first step if the situation warrants it. Prior to dismissal, a City employee is entitled to a due process hearing with their supervisor and the Human Resources Director or designee. An employee terminated from City employment will receive a written notice of termination which describes the deficiency or infraction involved.

Chapter 7. Section 3: Appeal of Disciplinary Action

An employee who is terminated, demoted, or suspended without pay may appeal that decision to the Director of Human Resources. Appeals must be requested in writing within five (5) business days of the employee's receipt of a decision by the supervisor or Department Director. The Director of Human Resources will render a written decision to overturn the disciplinary action, uphold the disciplinary action or take different disciplinary action.

To appeal the decision of the Director of Human Resources, the employee can appeal to the City Manager. The request must be made in writing within three (3) business days of the employee's receipt of the decision made by the Director of Human Resources. The City Manager will render a written decision to overturn the disciplinary action, uphold the disciplinary action or take different disciplinary action.

The decision of the City Manager shall be the final authority to the disciplinary appeal process. A copy of the written decision to the affected employee will be retained in the official personnel file. This policy is not applicable to probationary employees (*Personnel Policy, Chapter 2, Section 14; Probation*).

If an employee fails to appeal an adverse disciplinary action within the time limits specified, fails to follow guidelines and/or procedures promulgated by this policy, fails to cooperate in the scheduling or preparation of the appeal meeting and/or fails to appear at any scheduled meetings, the employee's appeal is considered void. The disciplinary action shall be final and non-appealable.

Actions which are not appealable under this process are:

- Verbal and written reprimands
- Voluntary demotions

- Positive drug and/or alcohol test results
- Disciplinary actions taken against temporary/seasonal employees

Chapter 8. Separation from Employment

Chapter 8. Section 1: Separation Processing

All employees who separate from the City will need to return records, property and other instruments belonging to the City before the last day of employment in addition to completing any required separation paperwork.

Human Resources will extend an invitation to each separating employee for an exit interview. If accepted, an appropriate interview schedule will be established. The exit interview is used to determine and document the reasons employees leave the City and to solicit constructive feedback to improve effectiveness and/or efficiency of City operations.

Chapter 8. Section 2: Resignation

An employee may leave the City service in good standing by submitting his/her resignation with at least two weeks advance notice. The Department Director may waive any portion of the notice period. Please reference *Personnel Policy, Chapter 2, Section 6: Re-Employment*.

Chapter 8. Section 3: Reduction in Force

It is the City of Baytown's policy that a Reduction in Force (RIF) is to be considered as a last resort, to be used only after other alternatives to meeting the financial crisis have been considered. Prior to initiating a reduction in force, the City will give consideration to less drastic alternatives, such as, but not limited to, wage and hiring freezes, early retirement programs, salary reductions, transfers to new positions within the City and shifts from full time to part-time work as methods to solve the financial crisis.

Chapter 8. Section 4: Incapacity

An employee may be separated for incapacity for medical reasons when the employee no longer meets the standards of fitness required for the position or can no longer perform the essential duties with or without an accommodation. A finding of incapacity shall be made through individual medical determination by a competent authority as determined by the Director of Human Resources.

Separation for incapacity shall not be considered disciplinary action and shall not operate to deny an employee the use of any accrued illness, injury, disability, or other benefits.

Chapter 8. Section 5: Job Abandonment

An employee who is unable to report to work at the designated time is required to notify his or her supervisor. Employees who fail to report to work without notifying their supervisor of an absence, and without just cause, will be considered absent without leave, and are subject to disciplinary action up to and including termination. If an employee is absent from work without notice for three consecutive work days, they are considered to have abandoned their job. A Notice of Termination shall be sent via certified mail to the employee's last known home address in these circumstances.

Chapter 8. Section 6: Retirement

Eligible employees may be separated by retirement in accordance with the requirements established by the Texas Municipal Retirement System (TMRS).

Retiring employees may receive health/medical insurance and retirement benefits as prescribed in the applicable programs and approved by City Council.

All employees hired after January 1, 2010 are not eligible for retiree health/medical insurance except as provided for by law.

For those employees hired prior to January 1, 2010, the following criteria determine the retiree's eligibility for health/medical insurance programs:

- An employee must have contributed ten (10) years of continuous service to the City and
- An employee must meet the retirement eligibility requirements established by the Texas Municipal Retirement System (TMRS) and be actively receiving benefits in the form of retirement compensation at the time employment with the City terminates.

Those employees who are eligible for health/medical insurance will be responsible for paying insurance premiums as defined in the two categories below.

All full-time employees (i) employed on or before December 31, 2003, without a break in service after such date, and (ii) retiring from the City of Baytown:

<u>All Years of Service with the City of Baytown</u>	<u>Premium paid by Retiree</u>
Less than 10 years	Retiree pays 100% of Total Premium
10 or more years	Retiree pays same premium as active employee

All full-time employees (i) hired on or after January 1, 2004, but before January 1, 2010, without a break in service and (ii) retiring from the City of Baytown:

<u>All Years of Service with the City of Baytown</u>	<u>Premium paid by Retiree</u>
Less than 15 years	Retiree pays 100% of Total Premium
At least 15 years but less than 20 years	Retiree pays 75% of Total Premium
At least 20 years but less than 25 years	Retiree pays 50% of Total Premium
25 or more years	Retiree pays same premium as active employee

Chapter 8. Section 7: Termination

The City may terminate an employee as a result of unsatisfactory performance or conduct, violation of City policy, or for any reason and at any time, with or without notice.

Chapter 8. Section 8: Death

If an employee dies while employed with the City, the beneficiary or estate will be paid all appropriate earned pay and payable benefits. This process will be coordinated by the Human Resources Department with assistance from the Finance Department and the Legal Department.

Chapter 9. Reinstatement

Chapter 9. Section 1: Employees Return Following a (RIF) Reduction in Force

An employee who was previously part of a Reduction in Force may be recalled to work at any time provided the person remains qualified to perform the duties of the position.

Chapter 9. Section 2: Return from Military Leave

In general, if the employee has been absent from a position of civilian employment by reason of service in the uniformed services, he or she will be eligible for reemployment under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) by meeting the following criteria:

- The City had advance notice of the employee's service;
- The employee has five years or less of cumulative service in the uniformed services in his or her employment relationship with the City;
- The employee returns to work in a timely manner as defined under USERRA; and,
- The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

Providing that the service member meets all criteria, the City of Baytown must provide the following:

- Prompt job reinstatement
- Accumulation of seniority, including pension plan benefits
- Reinstatement of health insurance
- Training / retraining of job skills, including reasonable accommodations for a disability
- Protection against discrimination

To be eligible for protection under USERRA, the service member must report back to work or apply for reemployment within the following guidelines:

1-30 days of serviceReport next scheduled work day
31-180 days of service.....Apply within 14 days after completion of service
181+ days of service.....Apply within 90 days after completion of service

An employee reinstated following military leave shall be treated the same as an employee returning from leave of absence without pay and be entitled to the same benefits. Restoration of seniority and benefits shall be in compliance with State and Federal laws.