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ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: PROCESS AND PROCEDURES

REFERENCE NUMBER: 1

I. EMPLOYMENT AT-WILL (NON-CIVIL SERVICE)

The administrative directives, including any modifications, are prepared for informational and guideline purposes only and do not constitute a contract (either express or implied) in any respect between the City and its employees. Employment with the City of Carrollton is “at will,” and either the employee or the employer may terminate the relationship at any time for any reason not contrary to law or no reason at all. Any employee of the City who is not appointed by the City Council may be removed with or without cause. This removal power is subject to any exceptions in the applicable provisions of the Civil Service laws for police, firefighters and the city charter. The at-will status of any employee may not be modified or rescinded by any oral or written statements by any person, including appointed or elected officials, any employee handbooks, employment applications, or other materials provided to employees.

II. DISCLAIMER

The City of Carrollton reserves full discretion to alter, delete, or add to the provisions in the administrative directives at any time, and without any prior notice. These administrative directives supersede and replace all previous personnel policies, practices, guidelines and administrative directives.

III. PROCEDURES:

A. DISTRIBUTION OF ADMINISTRATIVE DIRECTIVES:

All employees will have access to the administrative directives through the

City's Web site. Additionally, employees can request printed copies from the Workforce Services department. New employees will receive copies of the following directives and will be required to sign a document confirming that they have read and received the following policies:

- Process and Procedure
- Use of City Vehicles
- Employment
- HIPAA Privacy Regulations
- Code of Ethics
- Discrimination and Harassment
- Drug Free Workplace Compliance
- Workplace Violence Prevention
- Use of Technology Resources
- Positive Performance Management

Employees are responsible for reading and understanding all of the administrative directives.

B. NEW ADMINISTRATIVE DIRECTIVES AND REVISIONS

Administrative Directives are subject to change with or without prior notice. All new administrative directives and revisions to existing directives must be approved by the City Manager. The Workforce Services department will be responsible for updating and revising directives on a regular basis.

C. APPLICABILITY

The administrative directives apply to all regular fulltime, regular part-time, temporary, contract and seasonal employees who work for the City of Carrollton, unless specifically excepted by law, the terms of the administrative directives or action taken by the City Manager. Questions about application, interpretation or clarification regarding Administrative Directives should be directed to the Workforce Services Director or Manager.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: EQUAL EMPLOYMENT OPPORTUNITY

REFERENCE NUMBER: 2

I. EQUALEMPLOYMENT

The City of Carrollton is committed to providing all applicants and employees with equal employment opportunities and maintaining a diverse workforce. The City will not discriminate on the basis of race, color, religion, sex, national origin, age, disability, military status, the good faith report of a violation of law, or any other legally protected basis. Furthermore, the City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship, safety, and/or health risk.

This policy applies to all areas of employment including recruitment, hiring, training, transfer, promotion, termination, compensation and benefits.

Any incident of discrimination should be reported to the employee's supervisor or department head, the allegedly offending employee's supervisor or Department Head, or the Director of Workforce Services within three (3) days of the offense. An employee is not required to approach the person who they claim is engaging in discrimination or harassment, and they may bypass any such person if s/he is a member of management or in the employee's direct chain of command. The Workforce Services department will be responsible for conducting the investigation into whether any discrimination has occurred. The City Manager may also appoint a designee to conduct the investigation.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: EMPLOYMENT

REFERENCE NUMBER: 3

I. EMPLOYMENT SELECTION PROCESS

The Workforce Services Department will post vacancies, noting the job title, nature of the position, and required qualifications. Applicants will be processed through the Workforce Services Department. Applicants that have received a contingent job offer may be required to undergo screening examinations to determine fitness for employment.

An application will not be considered for employment if it contains false statements or the applicant does not meet the minimum educational or experience qualifications of a position. An application containing false information will be grounds for not hiring or dismissal.

II. PROBATION

Except as otherwise set forth herein, all non-civil service regular full-time, regular part-time and fixed term positions must fulfill a six (6) month probationary period starting from the date of employment.

The position of Telecommunications Dispatcher must meet a ten (10) month probationary period, starting from the date of employment, due to an extended training program that must be completed.

All civil service employees must fulfill a twelve (12) or eighteen (18) month probationary period, starting from the date of employment, as provided in Chapter 143 of the Local Government Code as well as the Civil Service Local Rules.

A. **PROCEDURES:** During the probationary period employees are subject to all policies and procedures of the city. This period of time is to be used by the supervisor to evaluate, train and coach employees on their job duties. Respectively, the employee should use this period to show the supervisor their best possible work and continuously improve performance. All employees will receive a performance evaluation at the end of their probationary period. The evaluation is designed to provide a snapshot of the employee's performance in regards to individual goals within the job as well as performance in regards to team/departmental goals.

A probationary period may be extended if an employee was on a leave of absence or on military leave. A probationary period may be extended with written approval from the Workforce Services Director and City Manager.

III. BAR FROM EMPLOYMENT

An applicant or employee who is separated from employment for violating any city policy or resigns in lieu of separation from employment due to a policy violation will be barred from employment for a period of at least six (6) months.

IV. RELEASE OF EMPLOYEE INFORMATION

In responding to inquiries requesting information on employees the Workforce Services Department is the only authorized agent of the City to release this information. Release of any information about employees by an individual other than Workforce Services is prohibited. All requests for information related to employees are to be directed to the Workforce Services Department within two (2) business days of receipt.

V. CATEGORIES OF EMPLOYMENT

Classification	FTE	Eligible for	Accrue Leave
Full Time	1	Yes	Yes
Part Time – 30 – 39 Hours	.75	Yes	Yes
Part Time – 20 – 29 Hours	.50	No	Yes
Part Time - <20 hours cannot exceed 1000 in a year	.45 or less	No	No
*Temporary – up to 40 Hours	N/A	No	No
Seasonal Employees – No More than 1,000 Hours in the Season	N/A	No	No

**Temporary assignments are non-recurring positions that are of a limited duration, specified and approved in advance and less than 6 months. This employee classification is permitted to work up to 40 hours per week over the length of the assignment.*

***Benefits defined as health benefits (HRA/FSA, Medical/Dental/Vision, Access to City Clinic)*



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: NEPOTISM

REFERENCE NUMBER: 4

I. NEPOTISM

This section refers to the practice of favoring relatives over others.

Relatives include the first, second, and third degree of consanguinity (blood); adoption; and the first and second degree of affinity (marriage).

- A. Persons related through the third degree of consanguinity (blood relation) include:
 - 1. FIRST DEGREE – father, mother, daughter, son.
 - 2. SECOND DEGREE – brother, sister, grandparent, grandson or granddaughter.
 - 3. THIRD DEGREE – uncle, aunt, niece, nephew, great grandparent, great grandson, or great granddaughter.

- B. Persons related through the second degree of affinity (relative through marriage) include:
 - 1. FIRST DEGREE – husband, wife, son-in-law, daughter-in-law, mother-in-law, father-in-law, stepmother, stepfather, stepson, stepdaughter.
 - 2. SECOND DEGREE – brother-in-law, sister-in-law, or spouse’s grandparent, grandchild, step-grandparent, stepsister or stepbrother.

3. Cohabitants are persons who live together in a sexual relationship but are not married, nor are declared to be married.
4. Roommates are anyone sharing the same residence in a non-sexual relationship.

II. GENERAL PROVISIONS:

- A. No city employee will be regularly supervised directly by a relative, cohabitant or roommate on an ongoing basis. City employees will not be transferred or promoted into positions that would cause them to be in a ongoing supervisor/subordinate relationship with a relative.
- B. All external applicants for employment must, at the time of application/hire, disclose the name(s) of any relative(s) serving as elected City officials or currently working for the city in any capacity. Nondisclosure of this information by an applicant will be deemed as falsification of an application and will result in non-consideration for a position or termination if the person has already been placed on the payroll. In the case of collusion, the current employee who is a relative will be disciplined up to and including termination.
- C. All employees of the City of Carrollton who are promoted or who transfer to another position, (whether in the same department or to a position in another department), must at the time of the promotion or transfer disclose to Workforce Services the name(s) of any relative(s) serving as elected city officials or currently working for the city in any capacity. Nondisclosure may result in disciplinary action being taken.
- D. Relatives may work in the same department. Under no circumstance may relatives of blood, adoption or affinity, cohabitants, or roommates supervise one another. Further, no relatives of blood or affinity, cohabitants, or roommates will be placed in positions allowing for financial signature approval of any purchasing or payroll transactions for one another. In the case where business demands require indirect or temporary supervision of relatives, the Department Director of the employees is responsible for establishing a process of auxiliary review for the affected employees to include review and signature authority over timesheets, purchase orders and any other action where a conflict could arise from the reporting relationship of family members.
- E. The hiring and promotion of relatives will not be allowed, even in different

departments or cost centers, if that action creates a conflict of interest for the city as determined by the City Manager. When any relationship through blood, adoption, affinity, cohabitation or roommate presents a conflict of interest for the city, the city reserves the right to take appropriate action to eliminate the conflict.

- F. No Department Director may have a relative of blood, adoption or affinity, cohabitant, or roommate in any position within the City, regardless of department.

III. PROCEDURES:

When a relationship is created which is not allowed by this directive or a departmental rule the following procedures will apply:

- A. One of the employees must resign his/her position or in the case of Civil Service be placed on indefinite suspension and may apply for another position within the city through the established employment process.
- B. The decision as to which employee will vacate his/her position will, initially, be left up to the affected employees. They will be given thirty (30) days to decide and vacate the position. If the affected employees do not make a decision as to who should vacate within the 30 days, the Department Director will notify the employee with the least seniority based on hire date that he/she must vacate their position.
- C. Any Police and/or Fire Civil Service applicant/employee who is eligible to be hired/promoted from an active certified eligibility list will be subject to this directive as well as any departmental SOP's, Civil Service Local Rules and Chapter 143 of the Local Government Code.

IV. SPECIAL CONSIDERATIONS:

Article X, Section 10.10 of the Home Rule Charter of the City of Carrollton states:

“No person shall hereafter be appointed to an office or employed by the city who is related to any member of the council and/or city manager with the second degree of affinity or the third degree of consanguinity. No person who is related to the head of a department within second degree of affinity or the third degree of consanguinity shall hereafter be employed in that same department.”

There are some divisions/positions within the city that, because of the relationship of work content with all other positions in the city is inappropriate for persons of blood or affinity relationship to occupy. Within the City of Carrollton these departments, divisions and positions include:

- City Manager's Office
- City Secretary's Office
- City Attorney's Office
- Workforce Services (HR) Dept.
- Risk Dept.
- Accounting Division
- Finance Division
- Purchasing Division
- Budget and Management Analysis Division
- Chief Financial Officer
- Internal Auditor
- Controller
- Treasury Division

The city reserves the right to designate additional divisions/positions to those listed above as necessary to prevent adverse impact on the work environment.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: HIPAA

REFERENCE NUMBER: 5

I. STATEMENT OF PURPOSE

The Health Insurance Portability and Accountability Act (“HIPAA”) was enacted in 1996. The Department of Health and Human Services has issued privacy and security regulations that cover health plans and health care providers, including the City of Carrollton’s (the “City”) health plan (“Health Plan”) and the Fire Department, which provides emergency health services (the “Fire Department”). Because the City has many other functions other than providing a health plan and emergency medical services, the City has designated itself as a hybrid entity. Therefore, no other departments but the Health Plan and the Fire Department of the City will be covered by the regulations. However, individual employees who are covered by the Health Plan have certain privacy rights because of the HIPAA regulations, as do patients cared for by the City’s Fire Department. This policy is for the protection of those privacy rights.

II. DEFINITIONS

- A. **PROTECTED HEALTH INFORMATION (PHI):** Individually identifiable health information that is transmitted or maintained in any form or medium (electronic, oral, or paper) by a covered entity or its business associates, excluding certain educational and employment records.

III. RESPONSIBILITIES OF THE PRIVACY OFFICER

- A. The Director of Workforce Services is designated as the City’s Privacy Officer for the Health Plan. Administrative Services Battalion Chief in the

Fire Department is designated as the Privacy Officer for the Fire Department. Any questions about the policies and procedures regarding this Directive should be directed to the appropriate Privacy Officer. Also, any complaints about the violation of this policy or your rights as described in the attached notice should be directed to the appropriate Privacy Officer or complaints may be made to the Department of Health and Human Services.

B. The **Health Plan Privacy Officer** is responsible for the following:

1. Providing the *Notice of Privacy Policy* to all Health Plan participants (located in the City of Carrollton Medical Plan document);
2. Posting the *Notice of Privacy Policy*, and all appropriate updates, in a prominent place;
3. Posting the *Notice of Privacy Policy*, and all appropriate updates, on the City's web page.
4. Processing all complaints and documenting all complaints related to HIPAA and the Health Plan, as well as the dispositions thereof.
5. Maintaining documentation of all complaints regarding privacy or other HIPAA violations for at least 6 years, or such other period as may be required by law.
6. Fulfilling statutory responsibilities as the Health Plan's Privacy Officer, including overall responsibility for the Health Plan's compliance with HIPAA, its related regulations and the Health Plan's privacy and security policies.
7. Ensuring that all of the Health Plan employees who have access to Protected Health Information ("PHI") by virtue of their job duties are periodically identified.
8. Selecting and ensuring implementation of an initial training program and then subsequent "new hire" training for all identified employees.
9. Ensuring that Business Associate Agreements are signed with any third parties to which the Health Plan gives PHI, and acting as the custodian for all Business Associate Agreements.

10. Monitoring compliance with the Health Plan's privacy and security policies including review to ensure that:
 - a. patients are given a *Notice of Privacy Policy*;
 - b. when PHI is used or disclosed to third parties, a signed *Authorization to Use and Disclose Protected Health Information* from the affected participant and that the disclosing employee complies with the *Accounting of Disclosures Policy* and placed a notation in the affected participant's file; and
 - c. PHI is not being used or disclosed to third parties except in accordance with Business Associate Agreements or for any reasons other than permitted by law.
11. Serving as a resource for the Health Plan's employees or participants with questions about privacy standards and practices and/or patients' rights.
12. Serving as the conduit for providing any documentation required when any participant asserts rights under HIPAA.
13. Monitoring legal and regulatory changes and suggest any needed policy and/or procedural changes.

C. The **Fire Department Privacy Officer** is responsible for the following:

1. Processing all complaints and documenting all complaints related to HIPAA and the Fire Department, as well as the dispositions thereof.
2. Maintaining documentation of all complaints regarding privacy or other HIPAA violations for at least 6 years, or such other period as may be required by law.
3. Fulfilling statutory responsibilities as the Fire Department's Privacy Officer, including overall responsibility for the Fire Departments compliance with HIPAA, its related regulations and the Fire Department's privacy and security policies.
4. Ensuring that all of the Fire Department employees who have access to Protected Health Information ("PHI") by virtue of their job duties are periodically identified.

5. Selecting and ensuring implementation of an initial training program and then subsequent “new hire” training for all identified employees.
6. Ensuring that Business Associate Agreements are signed with any third parties to which the Fire Department gives PHI, and acting as the custodian for all Business Associate Agreements.
7. Serving as a resource for the patients or citizens with questions about privacy standards and practices and/or patients' rights.
8. Serving as the conduit for providing any documentation required when any patient or citizen asserts rights under HIPAA.
9. Monitoring legal and regulatory changes and suggest any needed policy and/or procedural changes.

IV. SECURITY OFFICER RESPONSIBILITIES

The Director of Information Technology is designated as the City’s Security Officer. The Security Officer is responsible for technical controls in relation to the electronic transfer of PHI, including but not limited to network security, evaluating and protecting against external vulnerability, firewall protection, antivirus protection, etc. Any questions regarding electronic or information technology security related to the electronic transfer of PHI should be directed to the Security Officer.

V. RESPONSIBILITY OF COVERED ENTITIES

- A. All employees of the Fire Department and the Workforce Services Department shall diligently protect the privacy of personally identifiable health information, unless the affected employee has waived his or her right of privacy under HIPAA. An *Authorization to Use and Disclose Protected Health Information*, is attached to this directive. The Department of Workforce Services and the Fire Department shall have in place appropriate administrative, technical, and physical safeguards to protect the privacy of personally identifiable health information. Those safeguards must reasonably prevent the intentional use or disclosure of personally identifiable health information protected by HIPAA, and limit incidental uses or disclosures.

- B. Access to PHI is always limited to those who have a valid business or medical need for the information or otherwise have a legal right to know the information.
- C. Unless being used to treat the affected individual, access to his or her PHI must, to the extent practicable, be limited to only that necessary to accomplish the intended purpose of the approved use, disclosure or request.
- D. All access to physical areas/files and computer accounts/files that contain PHI should be limited to authorized personnel. This access will be revoked upon termination of employment, or when the individual no longer requires access to do his/her job.
- E. Employees have the right to have access to their own PHI, may request an amendment to their own PHI, and may request an accounting regarding any disclosures that the Fire Department or the Health Plan has made of their PHI to third parties.
- F. The Fire Department or the Health Plan may also use and disclose an individual's PHI without prior permission or authorization where the health information has been sufficiently "de-identified," so as to hide the identity of individual(s), or for other uses allowed by law.
- G. In rendering emergency medical services, the Fire Department shall diligently protect the privacy of personally identifiable health information, unless the affected person has an *Authorization to Use and Disclose Protected Health Information* attached to this directive. The *Notice, Acknowledgment* and *Authorization to Use and Disclose Protected Health Information* are not required:
 - 1. in cases of emergency;
 - 2. where failure to use or disclose the PHI would compromise patient care; or
 - 3. when otherwise specifically permitted or required by law.
- H. Neither the Department of Workforce Services nor the Fire Department may share personally identifiable health information except (a) as necessary for treatment, payment or health care operations; (b) as set forth in the attachments to this directive; (c) pursuant to a waiver of privacy rights (*Authorization to Use and Disclose Protected Health Information*); (d) or in accordance with a Business Associate Agreement.

VI. POLICY VIOLATIONS

The following policy violations will result in disciplinary action, and may result in civil or criminal penalties:

- A. Unauthorized use or disclosure of personally identifiable health information or PHI;
- B. Attempting to make an unauthorized discovery of personally identifiable health information or PHI;
- C. Failing to mitigate the unauthorized disclosure of personally identifiable health information or PHI;
- D. Retaliating against or intimidating an individual who (a) exercises his or her privacy right(s); (b) files a complaint with the Department of Health and Human Services concerning HIPAA privacy violations; (c) participates in an investigation into a HIPAA privacy violation; or (d) participates in a HIPAA privacy compliance review;
- E. Requiring an individual to waive his or her right to file a complaint of a HIPAA privacy violation as a condition for receiving treatment, payment, or enrollment in the Health Plan or eligibility for benefits;
- F. Destroying privacy policies or procedures that are less than 6 years old;
- G. Sharing personally identifiable health information or PHI with anyone who does not have the legal authority or the need to know the information to fulfill his or her job responsibilities;
- H. Removing personally identifiable health information or PHI from the work area without authorization;
- I. Failing to comply with the City's policies and procedures regarding the protection personally identifiable health information or PHI; and
- J. Failing to report any unauthorized use or disclosure of personally identifiable health Information or PHI to the Privacy Officer.

VII. SUPERVISORY RESPONSIBILITY

A supervisor who is asked by a subordinate or other employee about a claim under the City's Health Plan must not become involved in the issue unless the employee signs the attached *Authorization to Use and Disclose Protected Health Information Form*. Instead, the supervisor should refer the subordinate or other employee to the Workforce Services Department.

VIII. HIPAA'S EFFECT ON OTHER HEALTH CARE INFORMATION

Neither HIPAA nor this policy affect personally identifiable health care information required for life insurance, disability insurance, workers' compensation, or employment records (such as records of absences or tardiness for health reasons, Family Medical Leave Act records, or records reflecting a need for a reasonable accommodation pursuant to the Americans with Disabilities Act) kept by the City in its capacity as an employer.

Health Information Authorization Form

A federal regulation, called the Privacy Rule, limits how your health plan, hospital, doctors, clinics and other healthcare providers may use and share your personal health information. As the provider of your health plan, City of Carrollton is allowed to share your health information with:

- You or your personal representative. A personal representative is a family member or other person who is your legal representative for healthcare. For example, if you have a child who is less than 18 years old, you are your child's personal representative. Also, if you have legal papers, like guardianship papers or a medical power of attorney, that allow you to make decisions on another person's healthcare, you are that person's personal representative. A spouse or a stepparent is not your personal representative unless they have special legal authority to make healthcare decisions for you.
- The covered employee, if you are covered as the spouse or dependent child of the employee.
- Another person or organization when allowed or required by law.
- Another health plan; a hospital, doctor, clinic or other healthcare provider; or a healthcare clearinghouse (a business that processes your health information)

To share your personal health information with someone not listed above, City of Carrollton needs your written permission. To give your written permission, you must complete this Authorization Form.

City of Carrollton cannot share your information except as allowed by law or as needed to complete its treatment, payment and business management duties. For more information on what is allowed by federal regulation, visit the Privacy Rule website at www.hhs.gov/ocr/hipaa

Your Information:

Your Name: _____ Your Date of Birth: _____
Your Address: _____ Your Daytime Phone #: _____

You must complete Sections 1 through 4 and Section 8

I authorize City of Carrollton to release or disclose my personal health information as described below:

(1) Who do you want to access, get or receive your personal health information?

(Include name, address and/or phone number) *For example, if you want your husband or wife to have access to your personal health information, write his or her name here.*

(2) What information do you want City of Carrollton to release, give out or share?

For example, you may want them to give out all of your health information or you may want them to give out information only about one doctor's visit.

All my health information (as allowed by law)

Other (please specify): _____

(3) Why do you want City of Carrollton to release your information to the person or organization listed in #1?

Any reason (as allowed by law)

To check on claims payment

To check on billing and eligibility

Other (please specify): _____

(4) When do you want this authorization to end? You *must* give an end date or end event. The latest end date you can give is the end of the current calendar year unless you sign this form in October, November or December. If you sign this form in October, November or December, you can give the end of the next calendar year as your end date.

December 31st of the year you sign this form. If signed in Oct., Nov. or Dec., December 31st of the next year.

Other (please specify if less than a calendar year): _____

Federal law requires that your authorization include the following information on your rights under the Privacy Rule. Please read carefully.

(5) You may revoke or withdraw this authorization at any time. To withdraw this authorization, you must send a letter to City of Carrollton's Privacy Officer at the address below. The withdrawal will not take effect until after City of Carrollton receives and logs it. Also, if City of Carrollton gave out information based on your authorization before you withdrew it, the withdrawal will not affect the information already given out.

(6) Health information shared by your health plan, your health care providers and a health care clearinghouse is kept private. If you allow the release of your health information to someone other than a health plan, health care provider or health care clearinghouse, the Privacy Rule may no longer protect that health information. This means there may be nothing to prevent the person you allow to get your personal health information from giving your information to someone else without your

permission.

- (7) **Your signature and date. I approve the use and sharing of my health information as described in this authorization.**

Your Signature _____ **Date** _____

Please note that in the event of your death, this authorization will no longer be in effect. Only executors or court-appointed administrators have authority to receive the personal health information of deceased individuals.

If someone other than the covered individual signs this form, Section 9 must be completed.

- (8) **Personal Representative Information.** If you are signing this form for the covered individual, you must tell us about your legal right to sign. For example, if the covered individual is less than 18 years old and you are his or her parent, write “Parent of the minor child,” below. If you have a power of attorney that allows you to make medical decisions for the covered individual, write “Medical power of attorney.” City of Carrollton may require you to send in legal papers that prove you have the right to sign for the covered individual.

Please submit your completed and signed form to:

**Privacy Officer
Workforce Services
City of Carrollton
1945 E. Jackson Road
Carrollton, TX 75006**



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: REDUCTION IN FORCE

REFERENCE NUMBER: 6

I. SCOPE

This directive covers indefinite term reduction in force or reduction in time, and temporary reduction in force or reduction in time. Reduction in force is a management-initiated action resulting in the reduction or abolition of a position or the reduction of personnel. Reduction in force procedures will not be used as disciplinary actions. Contact Workforce Services regarding disciplinary actions and/or see Administrative Directive Positive Performance Management.

II. AUTHORITY AND RESPONSIBILITY

The authority and responsibility designated by the City Manager for implementing the Reduction in Force Administrative Directive and procedures rest with the affected Assistant City Manager, affected Department/Division Head, and the Director of Workforce Services.

III. DEFINITIONS

- A. REDUCTION IN FORCE (RIF) - A reduction in force is the elimination of a position or dismissal of an employee because of a change in a City of Carrollton program, a department reorganization, a budgetary restriction, the expiration of a grant or contract, or in the event of financial or other urgency.

- B. **PREFERRED CANDIDATE:** This term applies to those employees who have received notice of employment loss because of reduction in force and are applying for other positions within the city.
- C. **NOTIFICATION DATE:** This is the date that employees receive, in writing, a formal notification of RIF employment termination.
- D. **PERIOD OF NOTICE:** The period of notice does not represent severance pay but rather a period during which the individual is continued in an employee status at regular pay until the end of the notice period or until the individual is employed elsewhere, whichever comes earlier. The provisions of this directive governing the period of notice do not apply to cases of discharge for cause, voluntary resignation, or retirement.
- E. **EFFECTIVE DATE:** This is the actual date of the employment termination.

IV. GENERAL GUIDELINES

- A. **DECISION MAKING PROCESS:** Prior to notifying affected employees in any manner, the department/division head shall work with the applicable Assistant City Manager and Workforce Services.
- B. **PERIOD OF NOTICE:** Every effort will be made to give a sixty (60) day notice period. The city reserves the right to shorten this notification period in the event of unforeseeable business conditions which make the sixty (60) days notice not practical.
- C. **NOTIFICATION OF REDUCTION IN FORCE:** The notification of a decision to reduce the work force shall include all of the following:
 - 1. Notification meetings with all affected employees conducted by their immediate supervisor and division or department leader,
 - 2. Affected employees will receive a formal, written letter of RIF notice.
 - 3. Workforce Services representatives will be available to meet with affected employees.
- D. **PREFERRED CANDIDATE STATUS:** The employees who have received notice of employment loss because of reduction in force will be designated as a “preferred candidate” and are eligible to apply for other available positions within the city. All preferred hire candidates for positions must meet the minimum qualifications for any position and must

apply for positions through the same process as all other candidates. The hiring authority is required to review the application and interview the “preferred candidate.” As always, while personnel displaced as a result of a reduction in force are considered “preferred candidates,” the hiring authority retains the right to make the final hiring decision.

- E. CIVIL SERVICE EMPLOYEES: Force reduction for civil service employees will be governed by Chapter 143.085 of the Texas Local Government Code.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: EXIT PROCESSING

REFERENCE NUMBER: 7

I. EXIT PROCESSING

The purpose of this directive is to establish an exit procedure designed to facilitate smooth exit processing for terminating employees, to insure that all city property is accounted for, and to complete all legal paperwork.

II. PROCESS

- A. Employee notifies/is notified that his/her employment with the city is terminating.
- B. Supervisor asks for/receives letter of resignation if the termination is voluntary;

or

Involuntary terminations will follow the Positive Performance Management Administrative Directive and if the final decision is to terminate employment the following procedures will apply:

- C. Supervisor will:
 - 1. Complete all checklists and requested actions found on the C-Net under Workforce Services and Out Processing. **Note:** The resignation letter should be forwarded to Workforce Services immediately upon notification of termination/resignation.
 - 2. Advise the departing employee to bring in/locate/assemble all City of Carrollton property by final day for exit processing.

3. Call or email Workforce Services and schedule an appointment for exit processing on final day of employment
4. On final day, ensure that all out processing checklists have been completed, signed off on and given to the employee to take to Workforce Services for their exit interview.

D. Final Day:

Employee will:

1. Receive all out processing checklists from supervisor and instructions as to which department(s) on the checklist(s) he/she will need to visit.
2. Go to each designated department to return city property, secure appropriate department signatures, and complete final exit step with Workforce Services.
3. Depending on supervisory plan for final day, after Workforce Services exit interview appointment, the employee will either return to the department or leave for home.

E. Employees who leave without notice

This includes those employees who walk off the job, or do not return to the workplace.

1. Supervisor will notify all departments necessary (i.e. IT, Facilities/Fleet, Purchasing, and Workforce Services) as soon as possible, that notification/separation is in process. (See Outlook –Exit Notification on Global Address List) When applicable, a copy of the notice of separation hearing should be sent to Workforce Services on the day it is sent to the employee.

F. The employee or the Supervisor will forward to Workforce Services all out processing forms with all city equipment noted for collection.

1. After receipt of the out processing forms from the departments and confirmation of the termination from the Supervisor, Workforce Services will notify the departed employee to come to Workforce

Services for out processing and final check disposition.

2. Workforce Services will, after the exit interview is complete, forward any city equipment received and copies of checklists to each appropriate area.
3. If for any reason the employee will not come to Workforce Services to exit. WFS will handle the final check as the employee indicated on the initial hiring paperwork. Final checks will be held if the employee has any City property to return.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: COMPENSATION

REFERENCE NUMBER: 8

I. COMPENSATION

A. PAY PLAN

Non-Civil Service employees are compensated as defined in the City of Carrollton's Compensation Plan. This plan is administered by the Workforce Services Department. Any deviations, changes or updates to the plan are reviewed by the Compensation Committee, which is appointed by the City Manager. All recommendations of the Compensation Committee are approved or denied by the Executive Team.

II. OVERTIME/COMPENSATORY TIME

A. OVERTIME ELIGIBILITY

All non-exempt employees are eligible for overtime.

B. OVERTIME ACCURALS

Within the requirements of the Fair Labor Standards Act (FLSA), standard work periods and maximum standard hours are as follow:

1. Non exempt Police Civil Service: 14 day work period, 80 hour maximum
2. Non exempt Fire Civil Service/Shift: 28 day work period, 212 hour maximum
3. Non exempt Detention Officers: 14 day work period, 80 hour maximum
4. All other regular non exempt employees: 7 day work period, 40 hour maximum

Non-exempt, non-civil service employees whose work and FLSA included paid leave hours are in excess of the maximum standard hours in a standard work period will be paid overtime for the excess hours at approximately one and one-half (1 ½) times their regular rate. The following are excluded from the FLSA overtime calculation: administrative leave, compensatory time (used), health clinic leave, holiday, on call pay (hours only), sick leave (used), supplement bereavement (sick used), workers' compensation supplemental pay, and all lump sum leave payouts.

Non-exempt civil service employees whose work hours and FLSA included paid leave hours are in excess of the maximum standard hours in a standard work period will be paid overtime for the excess hours at approximately one and one-half (1 ½) times their regular rate. The following are excluded from the FLSA overtime calculation: compensatory time (used), disciplinary suspension, health clinic leave, on call (hours only), injury leave, sick leave (used), supplement bereavement (sick used), and all lump sum leave payouts.

All hours worked in excess of normal regularly scheduled hours, except in the case of serious emergencies, will require the advance approval of the department director or a designated representative.

No more than normal regularly scheduled hours of paid leave shall be taken in a standard work period.

C. COMPENSATORY TIME ELIGIBILITY

All regular full and part time non-exempt employees are eligible to accrue and use compensatory time in accordance with this policy.

All non-exempt employees will be paid overtime unless they complete an Employee's Compensatory Time Election Form electing to accrue compensatory time. This election is at the employee's choice.

Seasonal and temporary employees are not eligible to accrue compensatory time.

D. COMPENSATORY TIME ACCRUALS

Compensatory time will accrue for non-exempt employees at a rate of one and a half (1 ½) hours.

The maximum accrual for compensatory time for non-exempt employees is (40) hours. A non-exempt employee who has forty (40) hours compensatory time accrued will be paid overtime for any time worked in excess of the maximum standard hours in a standard work period.

E. COMPENSATORY TIME PAY OUTS

Upon separation from employment, a non-exempt employee may be paid for accrued compensatory time to a maximum of forty (40) hours at their hourly rate.

Anytime a non-exempt employee with compensatory time accrual promotes to an exempt position that employee's accrual will be cashed out at their non-exempt hourly rate.

Non-exempt employees who have accrued compensatory time may "cash out" the total accrued amount whenever they desire.

F. PROCEDURES

All overtime within a single pay period must be charged in the same manner. (i.e. All compensatory time or all overtime must be charged; not half compensatory time and half overtime).

If an employee decided to change their election on the accumulation of compensatory time, they will need to complete a new Employee's Compensatory Time Election Form. This form will change an employee's

election effective the first day of the following pay period (as long as it is submitted prior to the pay period deadline).

III. ON CALL

On call is defined as being on standby for return to duty for emergency work for a seven (7) day period. (Eligible for “On Call” pay) Call back is defined as being called in to perform emergency work as needed but the employee is not in an “on call” status (NOT eligible for “On Call” pay.)

Emergency Work is an unforeseen combination of circumstances, which requires employees to perform unplanned work in order to protect public health and safety.

A. CIVIL SERVICE

Compensable time for “On Call” pay for Civil Service employees, starts at the point the employee receives the call. This definition of compensable time should be applied regardless of whether or not the employee has use of a take home vehicle.

B. NON-CIVIL SERVICE

Compensable time for “On Call” pay for Non-Civil Service employees starts at the point when the employee arrives at a designated area to pick up a vehicle and/or equipment. When the employee has use of a take home vehicle, compensable time would start at the point of arriving at the emergency work site.

C. ON CALL

Off duty exempt or non-exempt employees who are in an “on-call” status are permitted to engage in their own pursuits. They are required to carry a cell phone or radio in order to receive notice to return to work.

An on-call employee is subject to the provisions of the City of Carrollton Administrative Directive: Drug Free Workplace, during the entire on call period.

A non-exempt employee (non-Civil Service or Civil Service) who is in “On Call” status and is called in to work will be paid for a minimum of one

hour pay for the first call out. Any other calls during this initial 60 minutes of paid time will be included in this one hour minimum. Any subsequent calls within the same twenty four hour period will be paid as actual time worked.

D. EXAMPLES – ON CALL

For purposes of these examples, the 24 hour period is defined as 8:00 a.m. to 8:00 a.m. of the following day.

Example #1 – The employee reports for an “on call” situation at 9:00 p.m. The call takes 15 minutes to complete. The employee returns home. The employee will receive pay for 1 hour worked. At 11:00 p.m. the employee reports for another “on call” situation. The call takes 30 minutes to complete. The employee returns home. The employee will receive pay for 30 minutes of actual time worked.

Example #2 – The employee reports for an “on call” situation at 9:00 p.m. The call takes 15 minutes to complete. While completing the first call the employee receives another call. The second call takes 15 minutes to complete. The employee returns home. The employee will receive pay for 1 hour worked. At 11:00 p.m. the employee reports for another “on call” situation. The call takes 30 minutes to complete. The employee returns home. The employee will receive pay for 30 minutes of actual time worked.

Example #3 – The employee reports for an “on call” situation at 9:00 p.m. The call takes 15 minutes to complete. While completing the first call the employee receives another call. The second call takes 1.25 hours to complete. The employee returns home. The employee will receive pay for 1.5 hours of actual time worked. At 11:00 p.m. the employee reports for another “on call” situation. The call takes 30 minutes to complete. The employee returns home. The employee will receive pay for 30 minutes of actual time worked.

The employee shall be paid for hours actually worked beginning at the start of compensable time (as defined in this directive for civil and non-civil service employees) and ending when the on-call work order is completed.

Non-exempt employees in an on-call status for an entire week (7 consecutive days) shall receive an additional 4 hours pay at their regular hourly rate of pay.

NOTE: An employee who is on-call and must miss a portion of the seven (7) consecutive days may substitute with another employee. The second employee will not be eligible to receive the on call pay in these instances but would arrange to “swap” on call days at some time in the future. This might be an arrangement between the employees subject to supervisory approval or a substitute action initiated by the supervisor, depending on the department and situation.

E. ON CALL ELIGIBILITY

Seasonal, temporary and part-time employees are not eligible to be scheduled for on call. Note: this does not mean these employees cannot be called back in to work.

Employees on paid or unpaid leave of any type may not be scheduled for on call.

When a holiday occurs while an employee is in an “on call” status the employee will bank the holiday and be paid regular time for actual time worked. Depending on the amount of actual time worked, a combination of holiday pay, regular pay and holiday banking may occur on a single day. Refer to City of Carrollton Administrative Directive: Leaves.

Calculation and payment of regular time and overtime shall follow the guidelines set forth by the Fair Labor Standards Act.

IV. LONGEVITY

All Civil Service regular full time, and part time employees are eligible to begin accruing longevity pay after one (1) full year of employment.

Temporary, seasonal and part time employees without benefits are not eligible to receive longevity pay.

A. ACCRUALS

Accrual of longevity pay for Civil Service employees will be at a rate of four dollars (\$4.00 per month, calculated on all months of service regardless of any breaks in service.

The maximum longevity payment shall not exceed one hundred dollars

(\$100.00) per month or twelve hundred dollars (\$1200.00) per year.

B. PAY OUTS

Separating employees will receive payment for any accrued longevity pay on a pro rated basis. Employees who are eligible for longevity pay will receive a lump sum payment during the month of December for the total amount due each year.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: RETIREE HEALTH BENEFITS

REFERENCE NUMBER: 9

I. DEFINITIONS

- A. **RETIREE:** for the purpose of this policy, Retiree shall be defined as an employee who has effected retirement with the City of Carrollton and is receiving retirement benefits under one of the city's retirement programs (TMRS or Deferred Compensation).
- B. **DEPENDENT CHILD:** A Dependent Child is any Child of the retiree who has not reached age 26. The term "Child" means a child born to the retiree; a stepchild; a child legally adopted by the retiree; a child for whom the retiree is the legal guardian; a child who is the subject of a lawsuit for adoption by the retiree; a child who is supported pursuant to a court order imposed on the retiree (including a qualified medical child support order); or a grandchild of the retiree who is a dependent for federal income tax purposes at the time of application and has not reached age 26. Benefits for a Dependent Child will continue no later than the last day of the month in which the age 26 is reached.
- C. **SPOUSE:** A Spouse means a retiree's husband or wife, including common law, as defined by Texas State Law. Government issued documentation must be provided to the City as to the existence of the employee's marriage, including common law marriage.

II. RETIREE HEALTH PLAN BENEFIT ELIGIBILITY

To be eligible for the City of Carrollton Health Plan (Health Plan) upon retirement, employees must meet the following criteria:

- A. Any employee who is covered under the Health Plan at the effective date of the employee's retirement, who is less than age 65, is not eligible for other group health care coverage and who meets the "Retiree" definition above, may elect to continue coverage under the Health Plan.

- B. Retirees and their eligible dependents who elect to stay on the Health Plan will be required to begin paying monthly premiums immediately upon retirement.
- C. Employees enrolled in the Health Plan as Retirees may also continue coverage for any Dependent Child or Spouse following the employee's retirement, provided that (1) the Retiree remains enrolled in the Health Plan, (2) the Retiree's Spouse and any Dependent Children were covered under the Health Plan as of the effective date of the employee's retirement, and (3) the appropriate enrollment forms are completed within thirty (30) days of retirement. Anyone electing Retiree coverage in the Health Plan must meet all of the eligibility rules of the Health Plan.
- D. Spouses and Dependent Children who are covered under the Health Plan at the time of the Retiree's death may continue coverage as follows:
 - 1. The Retiree's eligible Spouse may continue coverage following the death of the Retiree until such time as the Spouse becomes eligible for other health care coverage, remarries, reaches age 65 or passes away. The Retiree's Spouse is required to pay the full cost of coverage. Effective January 1, 2020, Retiree Spouses who elect to continue coverage on the Health Plan after the Retiree is no longer enrolled in the Health Plan for any reason will remain eligible for coverage through the Health Plan, but will be required to pay the full cost of coverage using the age-based premium.
 - 2. A Dependent Child, as defined by the Health Plan, may continue to be covered under Health Plan as long as the Retiree remains enrolled, and all other eligibility requirements of the Health Plan are met. Regardless of prior enrollment, effective January 1, 2021, no person will be eligible for enrollment in the Health Plan as a Dependent Child after the end of the month in which the Dependent Child reaches age 26.

III. RETIREE HEALTH PLAN BENEFIT COVERAGE

- A. Retirees are able to maintain Retiree coverage through the Health Plan until they reach age 65 (see section below). Retirees cannot drop coverage in the Health Plan and elect to re-enroll at a later date.
- B. Retirees are able to choose from and elect the same plans offered to Active Employees during open enrollment each year until they reach age 65.
- C. Retirees who elect the Health Plan will pay either age-based or blended premiums depending on their status as "grandfathered" or "non-

grandfathered.”

- D. Age based premiums can be determined as often as annually but at least biennially by an actuary, will be unisex and based on the average age of all Retirees remaining in the Health Plan, and will be announced by Workforce Services prior to open enrollment each year.
- E. Blended premiums blend the cost of providing health coverage to both Active Employees and Retirees, will be based on the total employer/employee premium for the health plan as a whole, and will be determined annually during the budget process.
- F. Retirees, their Spouses, and Dependent Children currently enrolled in the Health Plan are eligible to access the Employee Health & Wellness Center.

IV. RETIREES AGE 65 OR OLDER

- A. Effective January 1, 2009, retirees who are Medicare eligible **or** age 65 or older will have access to a more cost effective and comparable Medicare Supplement or Medicare Advantage Plan and will no longer have access to the medical plan program in the Health Plan. Retirees will continue to have access to the City’s Dental and Vision Plans.
- B. Retirees who choose to obtain coverage elsewhere may later elect one of the City’s Medicare Supplement or Medicare Advantage plans when they become eligible for Medicare.
- C. Retirees who have access to other health insurance coverage will be able to access the City’s Health Clinic for a monthly fee.
- D. Effective January 1, 2020 a Retiree’s Spouse who is under 65 years of age will be able to maintain coverage through the Health Plan after the Retiree reaches age 65, but will be required to pay the full cost of coverage using the age-based premium. Once a Retiree’s Spouse reaches age 65, they will no longer be able to access the Health Plan, but will be able to select either the Medicare Supplement or Medicare Advantage plan, which is less expensive than the current retiree premiums and is comparable to the Health Plan. A grandfathered Retiree’s spouse who is under 65 years of age and is on the health plan prior to January 1, 2020 will remain grandfathered and will have access to the blended retiree premium rates until the Spouse reaches age 65.
- E. Effective January 1, 2021, Dependent Children will be able to maintain coverage through the Health Plan until the end of the month in which the dependent reaches age 26, consistent with the eligibility interpretation

applied to City Active Employees and their Dependent Children. No Child of an Active Employee or Retiree is eligible for the Health Plan as a Dependent Child beyond the end of the month in which the Child reaches age 26, regardless of enrollment status prior to January 1, 2021.

- F. If the Retiree is 65 years of age or older, but is not Medicare eligible, and on the Health Plan, the City will evaluate the cost of Medicare Part A premiums each year and determine whether the City will reimburse the Retiree for Medicare Part A premiums paid. Impacted Retirees will be notified of the City's decision accordingly.

V. PROCEDURES

- A. Employees eligible for the Health Plan as Retirees will be given written notification from Workforce Services or a designated third party administrator explaining their eligibility to elect coverage, the applicable monthly premium rates for the type of coverage(s) they are eligible to continue, and the procedures the employee must follow in order to elect coverage as a Retiree. They will also be given an election form or online enrollment option in which to make their health insurance elections.
- B. Employees eligible for the Health Plan as Retirees must complete the Retiree election form or online enrollment AND remit the appropriate premium payment to the designated third party administrator (TPA) within thirty (30) days following the effective date of the employee's retirement. Otherwise, the Retiree will automatically forfeit his/her right to continue health insurance under this directive except as provided by federal law.

VI. TERMINATION OF RETIREE HEALTH PLAN COVERAGE

Retiree health insurance will automatically terminate for covered Retirees, their Spouses, and Dependent Children upon the earliest of the following occurrences:

- A. City of Carrollton ceases to provide group health insurance.
- B. The monthly premium payment is not timely made to the designated third party administrator (TPA) (by the last day of each month).
- C. The Retiree returns to Active Employee status with the City of Carrollton and becomes covered under a City sponsored health plan
- D. Spouses and/or Dependent Children of the Retiree cease to meet the eligibility requirements of the Health Plan.
- E. If coverage is dropped for the Retiree, Spouse, or any Dependent Children,

premiums will be adjusted accordingly based on the number of dependents remaining on the plan. For example, if a retiree reaches age 65 and is dropped from the Health Plan and his/her Spouse is eligible to remain on the plan, the Spouse will begin to pay the “Retiree Only” age based premium rather than the “Retiree +1” premium.

The City of Carrollton reserves the right to amend retiree health coverage at any time, consistent with the requirements of federal and State law.

VII. GRANDFATHERED EMPLOYEES:

Employees who meet the criteria listed below as of January 1, 2009 will continue to be eligible to purchase City health benefits at blended rates upon the date of their retirement if they are less than age 65. This means that grandfathered Retirees who meet the eligibility requirements to stay on the Health Plan will continue to pay both employee and employer required contributions for the Retiree health plan chosen for themselves and eligible Spouse and Dependent Children. Employer and employee required contributions are determined annually by plan as part of the City’s annual budget. Effective January 1, 2021, notwithstanding grandfathered status or prior enrollment in the Health Plan, no person will be eligible for coverage as a Dependent Child after the end of the month in which the person reaches age 26.

A. Grandfathering Criteria: Grandfathering is mandatory. If you meet the following criteria, you are grandfathered.

1.) Employees that have 20 years of continuous service with the City of Carrollton

OR

2.) Have five years of continuous service with the City of Carrollton and have reached age 60

Employees who meet either of the above criteria are grandfathered regardless of whether they choose to retire immediately or continue to work multiple years before retiring **Note:** Service is calculated from the most recent hire date in which an employee was benefit eligible.

VIII. NON-GRANDFATHERED EMPLOYEES

Employees who do not meet the criteria listed above as of January 1, 2009 will not be grandfathered in to current Retiree benefit options. This means that non-grandfathered retirees who meet the eligibility requirements to stay on the plan will pay age based premiums (as defined above) for the Retiree health plan chosen

for themselves and eligible dependents. Non-grandfathered employees will also be required to participate in the City’s Retiree Health Savings (hereafter referred to as RHS) plan as described in the following sections.

IX. RHS PLAN

- A. Eligible employees will receive contributions to their RHS accounts on the second pay period in January of each year, with the first year starting after the completion of ten full years of continuous service with the City of Carrollton. Years of service will be determined as of January 1 of each year. If there is a 30 day or less of a break in service, the service would be considered continuous. Part-time, benefit eligible employees who work 20 or more hours per week will receive annual City contributions according to the chart below. Contributions will vary based on years of service (See chart below).

City Contributions to Retiree Health Savings Accounts			
Years of Service	Annual City Contribution		Vesting
10-14	(Full-time) \$1,500	(Part-time) \$750	0
15-19	(Full-time) \$2,000	(Part-time)	50%
20-24	(Full-time) \$2,250	(Part-time)	100%
25 & over	(Full-time) \$2,500	(Part-time)	100%

- B. Employees will be 50% vested at 15 years and 100% vested at 20 years. Vesting includes all RHS account balances including investment earnings.
- C. RHS accounts will be administered through ICMA-RC and investment options will be similar or identical to those offered by ICMA-RC in their 457 plan with the City.
- D. All RHS accounts are originally set up as Vantagepoint Milestone Fund accounts through ICMA-RC. Employees will be responsible for setting up other investment options with ICMA-RC and for managing their accounts.

X. RHS ACCOUNT DISBURSEMENTS

Employees are eligible for disbursement from their vested RHS account balances upon termination of city employment according to the vesting schedule above and IRS Regulations. Upon termination, RHS balances may be disbursed for any eligible health-related expenses as defined by IRS Regulations including but not limited to:

- A. Offsetting the cost of the age based premiums
- B. Paying premiums on a non-city health plan
- C. Paying deductibles
- D. Paying for medical services or prescriptions

Upon separation from service, prior to benefit eligibility, a participant's non-vested funds shall remain in the plan and be reallocated among fully vested plan participants.

XI. RHS DEATH BENEFIT

In the event of a participant's death, any unused portions of his/her RHS account will be transferred to surviving spouses and eligible dependents (as defined by IRS Regulations) to use for health-related expenses on a tax-free basis. Upon the death of all eligible survivors, any unused portion of a participant's RHS account will revert back to the City. Per the IRS Regulations, beneficiaries other than surviving spouses and eligible dependents will not be eligible to receive any unused portions of RHS accounts.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: TRANSLATION SERVICES

REFERENCE NUMBER: 10

I. VERBAL TRANSLATION SERVICES

A. APPLICABILITY

This policy applies to all regular full and part-time employees (who have completed their probationary period) in departments of the City of Carrollton whose service to the public and internal customers may be enhanced by the use of second language verbal skills. Seasonal employees may be considered for bilingual certification and compensation upon the request of the department director. In addition, the department director will identify positions and/or persons eligible within their department when:

1. The services of the translator are beneficial in the performance of job duties.
2. The employee's position is one where public contact is frequent enough to benefit from a bilingual skill.
3. The normal work location and responsibility of the qualifying employee is such that he/she is reasonably available either by phone or personal presence to employees and citizens needing assistance to translate from English to another language; or from another language to English when called upon to do so.
4. Certification in a secondary language is provided when any group constitutes at least 10% of the residents of the City of Carrollton.

B. COMPENSATION

The rate of pay associated with this program will be \$50/month for one or more languages.

Written translation projects will be handled through a separate process. See section WRITTEN TRANSLATION SERVICES.

C. PROCEDURES

1. In general, it is the responsibility of each department director to submit the name and justification for any employees they feel may qualify as translators. Once accepted to the program, the employee will provide *Quarterly Translation Reports* to Organizational Development of the occasions where the use of additional language skills was utilized by others for City business. This form can be found on the C-net. The Translation Services Support Committee will periodically review the Translator network to assure continued maximum availability and utilization. Any personnel transfers or changes involving certified translators will initiate a reevaluation of their necessity in the Translation Services program.
2. Organizational Development will assume budgetary management of Verbal Translation Services and will maintain, publish and promote a directory of certified translators available in the city organization.
3. Organizational Development will coordinate the language skill certification test of which employees must achieve a passing score.
4. Marketing Services will administer written translation requests and reviews for city departments, and will assume financial responsibility for such requests up to the annual budgeted amount. (See Section **WRITTEN TRANSLATION SERVICES**)
5. Applications for translators will be reviewed on an as needed basis. The *Translation Services Program Application* form is located on C-Net. Upon receipt of an application, the following will be considered:
 - a) The reason for the application (i.e. departmental needs, special skills, etc.)
 - b) The current translator network to determine if an additional resource is necessary
 - c) Potential frequency of use of this applicant's skills

- d) The applicant's performance history (any discipline process currently in place)
- e) Other pertinent information (i.e., estimated translation sessions per week/month).

II. JOB SPECIFIC TRANSLATION (Emergency Fire/EMS Personnel)

A. APPLICABILITY

This applies to all regular full time Fire/EMS personnel whose job specific duties in an emergency situation may be more effective by the use of job-specific second language skills.

B. COMPENSATION

The rate of pay associated with this program will be \$35/month for one or more languages.

III. WRITTEN TRANSLATION SERVICES

In support of City Council and City Manager's initiatives to improve internal communications and public outreach, Marketing Services will administer written translation services for both internal and external communication initiatives. This service includes eligible letters, flyers, forms, Web page content, signage, advertisements, news releases, public service announcements, brochures, scripts and posters.

Based on the current population of the City of Carrollton and as indicated above, documents submitted and approved for translation from English will be translated to Spanish. Communications required by law, Mayor and Council initiatives, city management goals, and public health and safety documents may be translated into other languages.

These guidelines apply to original translation from English to Spanish (and other languages as appropriate) and to the review of previously translated documents to assure:

- a) Language accuracy and consistency
- b) Vocabulary, expressions and terms relevant to Carrollton citizens and city government employees
- c) Proper use of accents, symbols and grammar
- d) Consistent use of common terms among city departments

To accomplish this, Marketing Services will contract with external professional language translation companies.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: DISABILITY

REFERENCE NUMBER: 11

I. APPLICABILITY:

This directive applies to all City of Carrollton employees except probationary, seasonal or temporary employees, whether or not actively at work. This policy applies to non-work related injuries; please refer to the Worker's Compensation policy for work related injuries.

This directive will be administered consistently with the City's obligations under FMLA and ADA, including considering a reasonable accommodation(s).

II. DEFINITIONS

A. **DISABILITY** - is a permanent physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such an impairment, being regarded as having such an impairment, or being associated with a person with such an impairment.

B. **REASONABLE ACCOMODATION** - is a modification of the work environment and/or work process that enables a person with a Disability to perform the essential functions of a job. The determination of what accommodations are reasonable shall be determined by the City.

III. GENERAL PROVISIONS

The City will make every effort to offer Reasonable Accommodation and/or, when possible, provide appropriate job reassignment to eligible employees who have a Disability and are qualified to perform the essential functions of the position.

- A. FMLA - Employees with a Disability or other serious health condition that necessitates their leave from work will be entitled to up to 12 weeks of leave (equivalency of hours to be based on employee's regular schedule) under the Family and Medical Leave Act (FMLA). Employees should refer to the FMLA Administrative Directive for more information. FMLA leave, disability and workers compensation will run concurrently.
- B. Extended Leave - **NON CIVIL SERVICE** - The City may maintain, for one year, the employment of an individual with a Disability when the employee is unable to perform the essential functions of his or her position with or without Reasonable Accommodation due to the Disability and the employee has exhausted all eligible FMLA leave.
1. The one year period begins as of the date of the onset of the Disability which may coincide with the first date the employee was approved for FMLA.
 2. If the date of the Disability does not coincide with the first occurrence of lost time, the one year period will begin as of the date of the onset of lost time.
 3. When an employee returns to work before the expiration of the one year period, and the same Disability subsequently recurs, the employee is not entitled to an additional one year period commencing from the date on which the Disability recurred. Rather, the one year period is reduced by any portion of the one year period which the employee previously exhausted due to the same Disability.
 4. Pay during this one year period will be determined by leave balances.
 5. During this one year period, employees are required to submit updated Attending Physician Statements (available on CNET) to Workforce Services **monthly**, or more frequently if determined by the City. Updated Attending Physician Statements are due on the last day of each month. They should be sent in a sealed envelope directly to Workforce Services.
 6. If at the expiration of the one year period, the employee is still not able to perform the essential functions of his or her job with or without Reasonable Accommodation, the employee may be terminated and paid the amount of the remaining leave balances not to exceed established payout limitations.

- C. Extended Leave - **CIVIL SERVICE** - The City will maintain, for one year, the employment of an individual with a Disability when the employee is unable to perform the essential functions of his or her position with or without Reasonable Accommodation due to the Disability and has exhausted eligible FMLA leave, in accordance with Civil Service 143.073. *In reference to light duty assignments, please refer to the Police Department's Administrative Directives on temporary, modified and/or light duty, or the Fire Departments Standard Operations procedures on modified/light duty assignments.
1. The one year period begins as of the date of the onset of the Disability which may coincide with the first date the employee was approved for FMLA.
 2. If the date of the Disability does not coincide with the first occurrence of lost time, the one year period will begin as of the date of the onset of the lost time.
 3. When an employee returns to work before the expiration of the one year period, and the same Disability subsequently recurs, the employee is not entitled to an additional one year period commencing from the date on which the Disability recurred. Rather, the one year period is reduced by any portion of the one year period which the employee previously exhausted due to the same Disability.
 4. Pay during this one year period will be determined by leave balances in accordance with Civil Service 143.073(d).
 5. During this one year period, employees are required to submit updated Attending Physician Statements (available on CNET) to Workforce Services **monthly**, or more frequently if determined by the City. Updated Attending Physician Statements are due on the last day of each month. They should be sent in a sealed envelope directly to Workforce Services.
 6. If at the expiration of the one year period, the employee is still not able to perform the essential functions of his or her job with or without Reasonable Accommodation, the employee may use all sick leave, vacation time, and other accumulated time before the person is placed on temporary leave, as per 143.073(d).
- D. Leave Balances - An employee who experiences a Disability or medical condition that renders the employee incapable of performing his/her regularly assigned duties shall use his/her accrued paid leave balances according to the following leave chain:

Sick → Vacation → Compensatory → Holiday → Unpaid Leave

1. The employee may use available leave balances until: the employee's exhaustion of all such leave balances OR until the employee is able to return to work and perform the essential functions of his/her position OR until the one year period (extended leave) is exhausted, whichever occurs first.
 2. Once an employee has exhausted all paid leave balances, they may be eligible to request donated leave.
- E. Disability Benefits - Regular full-time and part-time employees may apply for disability benefits through the City's disability benefits carrier. Employees who apply for and are approved for disability benefits must first exhaust their sick leave balance (including donated leave) before disability benefits will be paid by the carrier. Eligibility for disability benefits as defined in this directive is dependent upon the complete cooperation of the employee and his/her compliance with the responsibilities outlined in this directive. Please refer to the Short Term and/or Long Term Disability plan document for more information.
- F. Non-Civil Service Employees and Inactive Status - While an employee is on leave from work due to a Disability, the employee is not considered to be actively at work.
1. After an employee has been out of the workplace for thirty (30) consecutive calendar days, the supervisor should place the employee on "inactive" status, regardless of leave balances. "Inactive" status will terminate upon the employee returning to work.
 2. While an employee is on "inactive" status, the employee will cease to accrue vacation and sick leave. Holidays will not be banked or be paid as they occur. Bilingual pay and cell phone allowance will not be paid while on inactive status.
 3. Immediately upon the employee's return from "inactive" status, the supervisor must notify Workforce Services to change the employee's status from "inactive" to "active".

G. Continuation of Benefits

1. The employee will retain the Group Term Life, AD&D, and Short/Long Term Disability insurance dependent upon cooperation as stated above.

TMRS and deferred compensation contributions are a percentage of compensable time. Once the employee is no longer receiving wages or paid leave from the city, contributions will cease. Monthly service credits with TMRS are not applied if no contributions are received.

H. Positive Performance Management (PPM) - Employees on leave due to Disability are still subject to PPM guidelines. Formal Levels of Notice in accordance with PPM may be taken for reasons which include but are not limited to:

1. the employee's refusal of placement in a position for which the employee is qualified;
2. the failure of the employee to comply with guidelines and responsibilities as stated in this Directive;
3. the employee's disobedience of established safety rules and regulations and/or City work rules and regulations;
4. the failure of the employee to present satisfactory evidence or documentation of his/her inability to return to work;
5. falsifications or misrepresentations made by the employee concerning his/her physical condition and/or the use of leave for his/her physical condition or capacity;
6. the failure or refusal of the employee to return to regular duty on the day specified by the treating physician;
7. the employee's failure to communicate with his or her immediate supervisor as agreed upon; or
8. the employee is found to be participating in any activity, including outside employment and/or self-employment that impedes the employee's recovery.

IV. RETURN TO WORK

- A. An employee returning to work before the date indicated by his/her physician (e.g., as indicated on a Certification of Health Care Provider or Attending Physician's Statement) must provide a Return to Work Certification (available on CNET).
- B. The City reserves the right to require an independent physical or mental assessment, at the City's expense, upon an employee's return to work from medical leave.

- C. As long as the employee is complying with the guidelines and responsibilities outlined in this Directive, and can perform the essential duties of the job, the employee may be restored to the position held by the employee prior to the date of the Disability; OR as a Reasonable Accommodation, the employee may be transferred into another position, provided in either case that the employee is able to perform the essential functions of the job. If a non-Civil Service employee is transferred into another position, the employee will be paid according to the pay plan and compensation guidelines for that position.

V. REASONABLE ACCOMMODATION

The City will provide Reasonable Accommodation to enable an employee to perform the essential functions of his/her position when the employee cannot otherwise perform the essential functions of his/her position. An accommodation is not a reasonable one if providing the accommodation would cause an undue hardship on the operations of the City. The City has the discretion to determine what is and is not a Reasonable Accommodation. Reasonable Accommodation will be provided as follows:

- A. Qualified employees with known Disabilities as defined by the Americans with Disabilities Act (ADA), as it may be amended from time to time, will be entitled to Reasonable Accommodation.
- B. If a Reasonable Accommodation offered by the City is rejected, and the employee cannot otherwise perform the essential functions of his/her position, the employee will no longer be considered a qualified individual with a Disability. As a result, the employee will have forfeited protection under the ADA.
- C. Reasonable Accommodation will be provided only when it enables the employee to perform the essential functions of the job.
- D. Requests for Reasonable Accommodation must be submitted in writing by the individual to the Workforce Services Director.

VI. TERMINATION

This Directive does not preclude a non-Civil Service employee from being terminated for any reason or no reason at all so long as such termination is not contrary to law.

VII. MEDICAL RECORDS

All medical records obtained pursuant to this directive will be kept in confidential medical files as required by law.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: INJURY/WORKERS' COMPENSATION

REFERENCE NUMBER: 12

I. APPLICABILITY

This directive applies to all City of Carrollton employees except Civil Service employees, whether or not actively at work. Line of duty injuries by Civil Service employees will be handled according to Chapter 143.073 of the local government code. This directive also applies to Probationary employees except where specifically noted otherwise within this directive.

If a Supervisor has any questions regarding how to code the first seven days of injury leave, please contact Workforce Services at 972-466-3091.

II. DEFINITIONS

- A. ON-THE-JOB ILLNESS AND INJURY - is a disability, injury, illness, or medical condition which occurred as the result of the employee performing the assigned duties of his or her occupation within the course and scope of employment.
- B. SUPPLEMENTAL PAY - is the mandatory use of sick, vacation, and compensatory leave accruals to make up the difference in Workers' Compensation benefits and net pay, (when Workers' Compensation is less than net pay).
- C. LEAVE OF ABSENCE - is an unpaid leave, of any duration, granted only after exhausting all appropriate compensatory, holiday, vacation, and/or sick time accruals.

- D. THE TEXAS WORKERS' COMPENSATION ACT - provides wage replacement, rehabilitation, and medical benefits, for employees who become injured or ill as a result of performing the duties of their occupation, as well as compensation for dependents of an employee who dies as a result of performing the duties of his/her occupation.
- E. COURSE AND SCOPE OF EMPLOYMENT - as defined by the Texas Workers' Compensation Act (TWCA), means "an activity of any kind or character that has to do with and originates in the work, business, trade, or profession of the employer and that is performed by an employee while engaged in or about the furtherance of the affairs or business of the employer". The term includes activities conducted on the premises of the employer or at other locations.
- F. REASONABLE ACCOMODATION - is a modification of the work environment and/or work process that enables a person with a disability to perform the essential functions of a job. The determination of what accommodations are reasonable shall be determined by the City.
- G. MODIFIED/LIGHT DUTY ASSIGNMENT - means a temporary reassignment of an employee with a disability, or other qualified medical condition to duties that can be performed within the limitations of the employee's medical condition.

III. GENERAL PROVISIONS

- A. All provisions of this directive apply to "on-the-job" injury/illness according to the TWCA unless specifically noted otherwise within this directive.
- B. An employee who sustains an on-the-job injury will be required to take a drug test. All injuries will require drug testing with the exception of: exposure to occupational disease; animal or insect bites; exposure to poison oak or ivy; injuries caused by an animal or another person; injuries caused by normal physical activity of walking, lifting, pushing, pulling, climbing or reaching.
- C. Eligibility for benefits as defined in this directive is dependent upon the complete cooperation of the employee and his/her compliance with the responsibilities outlined in this directive.

- D. An employee who experiences an "on-the-job" illness/injury that renders the employee incapable of performing his/her regularly assigned duties shall use his/her accrued sick, vacation, and compensatory leave balances as specified in Supplemental Pay section of this directive.
- E. While an employee is on leave from work due to an injury/Worker's Compensation case, the employee is not considered to be actively at work.
- F. After an employee has been out of the workplace for thirty (30) consecutive calendar days the supervisor should place the employee on "inactive" status. "Inactive" status will terminate upon the employee returning to work and demonstrating the ability to perform the essential functions of his or her position.
- G. While an employee is on "inactive" status, the employee will cease to accrue vacation, sick and holiday leave.
- H. The employee and eligible dependents remain qualified for health benefits coverage through the City's group plan as long as:
 - 1. The premium for dependent coverage under the City plan is paid on a timely basis by the employee, (either through payroll deduction or personal payment); and
 - 2. The employee is cooperating with the guidelines in this Directive and as specified according to the employees' case (e.g., providing required documentation and complying with modified/light duty assignments.)
- I. The employee will retain Group Term Life Insurance dependent upon cooperation as stated above.
- J. As long as the employee is complying with the guidelines and responsibilities outlined in this directive and has reached maximum medical improvement (MMI), the City may re-activate the employee in the position held by the employee prior to the date of the injury/Worker's Compensation case or transfer the employee into another position, provided in either case that the employee is able to perform the essential functions of the job. If an employee is unable to perform the essential functions of the job, the employee may be transferred into another position as a reasonable accommodation. The employee will be paid according to the pay plan and compensation guidelines.

- K. If an employee returns on light duty, they will return to the same rate of pay that they were receiving prior to the date of the injury/Worker's Compensation case.
- L. If the employee's medical condition reaches maximum medical improvement (MMI) or one calendar year since the date of injury has passed and the employee is still not able to perform the essential functions of his or her job without reasonable accommodation, the employee may be terminated and paid the amount of the remaining leave balances not to exceed the established payout limitations.
- M. For purposes of this directive, a work day consists of the employee's regular scheduled work day hours.
- N. Employees on leave due to injury/Worker's Compensation may be subject to Positive Performance Management guidelines. Disciplinary actions may be taken for reasons which include but are not limited to:
 - 1. The employee's refusal of placement in a position for which the employee is qualified.
 - 2. The employee's refusal of a modified/light duty assignment.
 - 3. The employee's refusal of required drug testing.
 - 4. The failure of the employee to comply with guidelines and responsibilities as stated in this directive.
 - 5. The employee's disobedience of established safety rules and regulations and/or City work rules and regulations.
 - 6. The failure of the employee to present satisfactory evidence/documentation of his/her inability to return to work, either in a limited duty capacity if such work is available, or to regular duty according to the timetable established in this directive or upon request by the City.
 - 7. Falsifications or misrepresentations made by the employee concerning his/her physical condition and/or the use of leave for his/her physical condition or capacity.
 - 8. The failure or refusal of the employee to return to regular duty on the day specified by the treating physician.
 - 9. The employee's failure to contact his/her immediate supervisor weekly or as agreed upon.
 - 10. The employee is injured on the job as a result of his/her own willful misconduct.
 - 11. The employee is found to be participating in any activity, including outside employment and/or self-employment, which impedes the

- employee's progress of recovery.
12. The employee fails to provide his supervisor or Risk Management a current Work Status Report (DWC-73).
 13. The employee fails to attend scheduled medical appointments or treatment without just cause.

IV. SUPPLEMENTAL PAY

- A. Supplemental Pay can be denied or discontinued when the employee:
1. Becomes disabled, ill, injured, or acquires a medical condition as a result of working out of the course and scope of his/her regular duties and job assignments.
 2. Disobeyed established safety rules and regulations and/or City work rules and regulations; as a result of his/her own willful misconduct or gross negligence as determined by the Risk Department.
 3. Has not cooperated with the City in the recommended medical care, physical therapy, rehabilitation and/or modified duty treatment program for the employee.
 4. Fails to present satisfactory evidence of his/her inability to return to work, either in a limited duty capacity if such work is available, or to regular duty according to the timetable established in this directive or upon request by the City.
 5. Fails to report the disability, illness, injury, or medical condition and receive such medical treatment as may be necessary.
 6. Is found to be working at any job, including self-employment that violates the employee's treatment plan as prescribed by the attending physician OR is found to be participating in any activity that impedes the employee's progress of recovery.
 7. Fails to report to the Risk Department his/her participation in any other employment, including self-employment.
 8. Resigns or is discharged for any reason or retires or dies while on "inactive" status. However, the death of an employee who was on "inactive" status does not preclude the pay out of appropriate leave balances according to the vacation and sick leave directives at the time of death.
 9. Fails to comply with the treating physician's instructions regarding treatment of the disability, illness, injury or medical condition.
 10. Refuses to perform any modified duty assignment that is within the physical parameters provided by the treating physician and offered by the Department Director or the Risk Department.
 11. Falsifies or misrepresents his/her disability, illness, injury, or medical

condition.

12. Refuses to return to regular duty on the day specified by the treating physician as being released to return to regular duty.
 13. Fails to contact his/her immediate supervisor on a weekly basis and notify him of his condition and expected return to work date.
 14. Ceases to be eligible for weekly statutory worker's compensation pay benefits.
- B. Upon the failure of the employee to meet the criteria for eligibility for Supplemental Pay, the Risk Department, being responsible for monitoring employee/supervisor responsibilities as outlined in this directive, is authorized to disapprove Supplemental Pay or to terminate approval for Supplemental Pay already in effect. Such decisions made by the Risk Department are subject to review by the Department Director.
- C. Employees denied Supplemental Pay have ten (10) calendar days to file a formal written appeal with the Director of Workforce Services for review by the City Manager. The City Manager's decision in such case is final and cannot be appealed further.
- D. The City will take all necessary steps to ensure the following:
1. That the taxable Supplemental Pay, when added to the tax free statutory Workers' Compensation pay, does not exceed the employee's regular take home pay prior to voluntary deductions, (i.e., those deductions not mandated by law and which are primarily created by the employee's option).
 2. That an employee is prevented from receiving both his/her full regular paycheck and a Workers' Compensation paycheck, (with or without Supplemental Pay), so as to prevent the difficulties associated with subsequent pay back of any overpayment amount. In the event an overpayment occurs, however, the employee is obligated to repay the overpayment amount. Unless the employee initiates repayment, a repayment schedule will be set up in order to deduct from the employee's paycheck the amount of the overpayment.
- E. The Supplemental Pay provisions relate strictly to the City's Compensation Plan, and the interpretation of terms and language used herein shall be independent of any state or federal law.
- F. Leave Balances- An employee who experiences an on the job injury or illness that renders the employee incapable of performing his/her regularly

assigned duties shall sub his/her Temporary Income Benefits with paid leave balances in the following leave chain:

Sick → Vacation → Compensatory → Holiday → Unpaid Leave

V. SUPERVISOR RESPONSIBILITIES FOR "ON-THE-JOB" INJURY

The following is a listing of supervisor's responsibilities for on-the-job injury/illness under this directive:

- A. Complete an Employer's First Report of Injury (DWC Form 1) which is available on C-Net under departments/Finance/Risk Management. The DWC Form is under Employee Rights and Responsibilities. Supervisors must print the Risk Documents and give it to the injured worker. The DWC 1, once completed and signed by the employee's supervisor or acting supervisor, must be emailed to the city's workers compensation carrier (wcmesquite@tmlirp.org) and a copy must be sent to the Risk Department as soon as possible, no later than three (3) calendar days after any occupational injury/illness. A copy must also be given to the injured employee.
- B. For injuries/illnesses occurring while at work, immediately provide or obtain necessary medical attention for the injured/ill employee.
- C. Ensure that all occupational accidents, incidents, and injuries are immediately reported to the Risk Department.
- D. Contact Workforce Services if the accident involved a motor vehicle so that appropriate arrangements for drug testing can be made. In the event of an accident after hours, information about drug testing is available on the C-Net.
- E. The supervisor or his/her designee is encouraged to contact an injured subordinate employee within twenty-four (24) hours after the initial report of injury.
- F. Investigate all accidents, analyze the accident reports, and take appropriate corrective and/or disciplinary action to minimize the recurrence of such accidents.

- G. Notify the city's workers comp carrier (wcmesquite@tmlirp.org) and Risk Management by completing a Supplemental Report of Injury (DWC Form 6), which is available on C-Net under departments/Finance/Risk-Safety within twenty-four (24) hours of a change in the employee's work status.
- H. Ensure that the timesheet indicates lost time and appropriate leave usage as of the first full day of lost time.
- I. Notify Risk Department and Workforce Services immediately if an employee is seriously ill/injured or dies. If the accident occurs outside of normal working hours, the department should immediately notify the Risk Department at his/her residence. Police/Fire Dispatch can contact the Risk Department.
- J. Department Directors shall devote particular attention to making sure that all provisions of this regulation are understood by both supervisors and employees in their departments.
- K. Department Directors and supervisory personnel shall require employees returning from an examination or treatment to deliver a completed copy of the physician's exam report to Risk Management.
- L. Strive to keep work group injuries to a minimum.
- M. Within seven (7) days of the date of the employee's injury/illness, the supervisor must notify the employee in writing of his/her obligation to contact the supervisor at least once each week, and that failure to do so could subject the employee to disciplinary action. Each supervisor shall establish procedures for this reporting requirement and inform the injured employee of those procedures.
- N. Although it is ultimately the employee's responsibility to contact the supervisor each week, (in accordance with the supervisor's prescribed reporting requirements), the supervisor should ensure that regular contact with the employee is maintained.
- O. The supervisor must ensure that the employee complies with this directive.
- P. The supervisor must follow-up to ensure that an employee who has an on-the-job disability, illness, injury, or medical condition meets the requirements specified in the Return to Work for Full Duty section of this directive.

- Q. The supervisor must follow-up to ensure that an employee who has an on-the-job illness, injury, or medical condition meets the requirements specified the Modified Duty Assignments section of this directive.
- R. When an employee begins "inactive" status, the supervisor must immediately complete and forward to Workforce Services and Risk Management an Employee Status Record indicating such status.

VI. EMPLOYEE RESPONSIBILITIES FOR "ON-THE-JOB" INJURY

The following is a listing of each employee's responsibilities under this directive pertaining to "on-the-job" injury/illness:

- A. **Employees are responsible for reporting any on-the-job injury/illness, however minor, to their immediate/designated supervisor as soon as possible, but no later than twenty-four (24) hours after the injury/illness occurs.** If the nature of the injury/illness renders the employee physically unable to give personal notification, then any employee(s) who witnessed the incident will report such to his/her immediate supervisor within the time specified. An employee's failure to notify his/her supervisor may result in forfeiture of his/her rights to all Workers' Compensation and City benefits.
- B. An employee who has an on-the-job disability, illness, injury, or medical condition must meet the reporting requirements specified in the Return to Work for Full Duty section of this directive.
- C. An employee who has an on-the-job illness, injury, or medical condition must meet the reporting requirements specified in the Modified Duty Assignments section of this directive.
- D. It is the employee's responsibility to schedule treatment outside of their normal work schedule.
- E. The employee who is away from work due to an on-the-job injury or is on "inactive" status must contact his/her supervisor according to the agreed upon communication schedule until they return to work or the end of the one year period. If the employee is unable to make contact personally, he or she shall have someone contact his/her supervisor on his or her behalf. The City must be aware of the employee's status in order to plan and assign work duties and responsibilities in an efficient manner.

- F. The employee may not engage in any activity that may impede the treating physician's prescribed treatment/recovery plan. Any employment, including self-employment, in which the employee wishes to engage must be reported by the employee to the Risk Department and approved by the Risk Department.
- G. An employee who fails to contact his/her supervisor each week or provide a current Work Status Report in accordance with this policy shall be subject to disciplinary action in accordance with Positive Performance Management as well as the possible loss of City benefits.
- H. It is the responsibility of the employee to notify Risk Management and/or the worker's compensation Adjuster anytime there is a change in employment status or wages.

VII. MODIFIED/LIGHT DUTY ASSIGNMENTS:

The City's Modified Duty program is based on the belief that it is in the best interest of both the employee and the City for an employee to return to work in some capacity following an on-the-job or off-the-job illness, injury, or medical condition. Under this premise, department directors are instructed to work with supervisors to identify possible modified duty assignments. Attempts will first be made to make modified duty assignments in the division and department in which the ill/injured employee currently works. If placement is impossible, the Risk Department will attempt to place the individual in another department based on physical ability, skills and available assignments. Individuals with a permanent disability may be qualified for a Reasonable Accommodation (see the Disability Administrative Directive).

- A. The City reserves the right to require an independent physical/mental analysis/assessment upon the employee's return to work from a disability, illness, injury, or medical condition, or upon returning to work.
- B. An employee who is being released for modified duty must provide his supervisor with a current and up-to-date Work Status Report (DWC73 form).
- C. An employee who is released to return to work in less than a full-duty status by the examining physician may be required to work in a position or department other than his/her original position or department. Work

duties shall be assigned in accordance with the employee's limitations and the needs of the City services.

- D. No modified duty will be assigned unless a physician's release is provided.
- E. The City is not obligated to offer modified/light duty assignments, and if offered the assignments will not last beyond ninety (90) calendar days.
- F. An employee with a modified/light duty assignment will be required to continue to submit a Work Status Report (DWC73) after each doctor's visit, that states the employee's progress and the next appointment.
- G. When the employee returns to work and is placed on modified-duty, the remaining hours will be paid by supplementing with accrued leave.
- H. An employee with a modified/light duty assignment will be expected to cooperate and fully perform the modified duty assigned. Failure to do so by the employee may result in the termination of the modified duty assignment, discontinuance of City benefits, and the employee becoming subject to formal levels of Positive Performance Management. It is the responsibility of the employee to inform his/her supervisor, in advance, of scheduled appointments. The employee should make every attempt to minimize the time away from work.
- I. An employee on modified duty assignment remains subject to all City directives. An employee on modified duty assignment whose attendance, performance, and/or conduct merits disciplinary action will be subject to formal levels of Positive Performance Management.
- J. While the City will make every effort to provide modified duty assignments, the City is under no obligation to provide such assignments, and this directive is not creating such an obligation.

VIII. RETURN TO WORK FOR FULL DUTY

- A. The following reporting requirements apply when an employee returns to work from an on-the-job disability, illness, injury, or medical condition:
 - 1. An employee returning to duty after being unable to work for three (3) or more working days due to an on-the-job disability, illness, injury, or medical condition must provide a written release signed by the attending physician to the Risk Department indicating the employee's

fitness to return to full duty, prior to beginning work.

2. In the case of an employee who returns to work from an on-the-job disability, illness, injury, or medical condition in less than three (3) working days, the employee may take his/her release to the supervisor who can forward it to the Risk Department.
- B. The City reserves the right to require an independent physical/mental assessment, at the City's expense, upon the return to work of an employee from a work related or non-work related disability, illness, injury, or medical condition.
- C. Employees who miss work to attend necessary follow-up doctor visit(s) after the employee returns to work will be compensated for such time as follows:
1. If follow-up doctor visits are necessary after returning to work from an on-the-job disability, illness, injury, or medical condition, and the visit(s) cannot be scheduled so as not to interfere with the employee's normal work schedule, then the employee will be compensated with regular pay for the amount of time taken away from work in order to attend the doctor visit(s).
- D. Immediately upon the employee's return from "inactive" status, the supervisor must notify Workforce Services and Risk in order to change the employee's status from "inactive" to "active".

IX. JOB REASSIGNMENT

- A. Job reassignment may be provided as follows when an employee is unable to return to his/her current position due to injury/Workers Compensation:
1. If a position for which the employee is qualified and physically able to do is vacated, the employee may be considered for transfer to a job reassignment.
 2. It will be the employee's responsibility to identify positions for which he/she may be qualified and physically able to perform, and to request such job reassignment.
- B. Should an employee be unable to return to work in his/her current position due to a disability, the City may provide job reassignment as a reasonable accommodation in accordance with the Americans with Disabilities Act of 1990.

C. Job reassignments are not guaranteed. Such requests will be discussed with Workforce Services and the Department Director of the hiring department before such a decision will be made. Interviews with the hiring department will be conducted.

X. TERMINATION

This Directive does not preclude an employee from being terminated for any reason or no reason at all so long as such termination is not contrary to law.

XI. MEDICAL RECORDS

All medical records obtained pursuant to this directive will be kept in confidential medical files as required by law.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: PAYROLL TIMEKEEPING

REFERENCE NUMBER: 13

I. DEFINITIONS

- A. ABA ROUTING NUMBER (TRANSIT ROUTING NUMBER) - A nine-digit number that identifies the financial institution to which the employee's pay is to be deposited.
- B. ACTUAL TIME IN- After arriving at the work place, the time an employee actually begins work.
- C. ACTUAL TIME OUT - The time an employee actually completes doing anything connected with work duties or tasks. This does not include time spent driving home from work.
- D. AUTOMATED CLEARING HOUSE (ACH) - An organization that facilitates the exchange of commercial electronic payments between banks, savings and loan associations and credit unions.
- E. ELECTRONIC FUNDS TRANSFER - Any transfer of funds other than a transaction originated by check, draft, or similar instrument that is initiated for the purpose of ordering or authorizing a financial institution to debit or credit an account.
- F. FINANCIAL INSTUTION - A state or federally-chartered bank, savings and loan association, mutual savings bank, or credit union, or any other entity who, directly or indirectly, holds an account belonging to a depositor.
- G. FLSA - Fair Labor Standards Act.

- H. FLSA CYCLE - The period of time on which overtime is calculated.
- I. ORIGINATING DEPOSITORY FINANCIAL INSTITUTION (ODFI) - The bank or other financial institution where the City maintains its payroll account.
- J. PRENOTIFICATION (PRENOTE) - A process to check the accuracy of the bank and account information provided by the employee before the City actually attempts to transfer any pay to the employee's account. A special **PRENOTE** transaction, intermingled with regular direct deposit transactions, is transmitted across the ACH network.
- K. RECEIVING DEPOSITORY FINANCIAL INSTITUTION (RFDI) - The employee's bank or other financial institution where payroll payments are deposited or transferred.
- L. WORKFORCE SERVICES - is abbreviated herein as "WFS".

II. GENERAL PROVISIONS

- A. Pay Period
The **work period** for:
 - 1. Regular work period - is 12:01 a.m. Saturday through Friday midnight.
 - 2. Alternate work period - is 12:01 a.m. Sunday through Saturday midnight.
 - 3. The **pay period** for all employees is two work weeks (14 days).
- B. FLSA cycles for employees are as follows:
 - 1. Fire Civil Service: 28 -day cycle beginning October 15, 2005.
 - 2. Police Civil Service: 14-day cycle beginning October 3, 1985.
 - 3. Non-Civil Service employees: 7-day cycle beginning on either Saturday or Sunday at 12:01 am depending on the work period.
- C. Timekeeping Responsibilities
 - 1. Employee Responsibilities:

- a. Requests for time off require supervisory approval and therefore must be submitted in advance by completing an automated time-off request form in Kronos or by contacting the supervisor directly for an upcoming time-off request.
 - b. Requests for 8 hours or less of time-off require one business day (24) hours advance notice.
 - c. **Employees are responsible for their own daily time entries however they do not approve their own time sheets.**
2. Supervisor Responsibilities:
- a. Ensures that all employees in the department are educated regarding the City's timekeeping policy.
 - b. Ensures all employees comply with required policy.
 - c. Ensures that timekeeping policy is administered fairly and uniformly for all employees.
 - d. Considers requests from employees for time off. Approves or rejects using discretion.
 - e. Ensures that employee time is kept manually in the event of an emergency or Kronos system malfunction.
 - f. Managers/designees must verify the number of hours worked and leave taken by each of their employees.
 - g. All time worked as well as time off must be approved by the manager/designee.
 - h. Managers, who will knowingly be out of the office and unable to approve their employees time, must delegate approvals to another manager in their absence to complete and approve. Delegation to another manager may be performed inside the Kronos application.
 - i. Managers are responsible for creating and maintaining schedules for their employees.

D. Time off Request

Time off requests can be generated in Kronos via the timeclock for timeclock employees or in the "My Actions" module for Kronos Self-Service employees. The automated leave request must be properly approved by the supervisor, prior to the time being taken by the employee. Once approved, Kronos will ensure the employee has the time available and will apply it to the timecard if available at that time. Requests for 8 hours or less require one business day (24) hours advance notice.

Kronos is currently setup to show available time up to the last accrual date or pay period processed in Lawson. This means that the system cannot

project what leave balances an employee will have available beyond this date. If an employee requests vacation time, the system will allow the employee to schedule the vacation and enter in 0 hours to hold the vacation as a place holder until the vacation is nearer and the manager/timekeeper can enter in the appropriate hours to be paid. When the vacation request comes around the employee must have sufficient accrued vacation leave to be able to be paid the vacation time. Otherwise the employee will go unpaid for that vacation period.

Employees who do not have access to a timeclock or self service will need to follow their department's procedures for requesting time-off.

- Leave forms are not required for Holidays taken on the Holiday date but are required for the use of accrued Holiday time at other time.
- **Personal information regarding a medical condition must not be included on leave request forms.**

E. Failure to Comply with Timekeeping and Attendance Policies

If an employee fails to complete and submit the required timecard information by the deadline given, he or she may be required to wait until the next pay period to be compensated for the leave time taken or the time worked.

In situations where an employee has time and attendance problems and/or abuses their leave time, the manager/supervisor may institute a more structured reporting requirement for the employee until the problem is corrected. Examples may include but are not limited to:

- Report to manager/supervisor upon arrival and departure.
- Report time spent on each task or assignment.
- Complete a sign in/out sheet for each period of time away from work area.
- Disciplinary action will be taken when an employee's attendance record falls below acceptable standards.

F. Approval of Time

1. Numerous individuals within the city will be designated as supervisors or timekeepers and may enter and/or approve time in the Kronos System for employees within the department.
2. Delegating Approval to another Supervisor – In the event a supervisor will be out of the office, they can delegate the authority to approve timesheets to another Supervisor within their department through the Kronos system.
3. Failure to approve or delegate approval responsibility – In the event that a Supervisor does not approve their employees' time or does not delegate someone to approve on their behalf, the employee will be paid based on time entered in Kronos. Corrections will have to be made in the following pay cycle. The Assistant City Manager and Director over the department will be notified of all failures to approve time or failure to delegate and disciplinary action may occur.

III. NON-EXEMPT EMPLOYEE TIME RECORDING

A. Time Recording

Non-exempt employees are expected to record their hours worked accurately and completely. Knowingly falsifying time records for yourself or another person will result in immediate disciplinary action up to and including termination for all employees involved. Various work locations will have time clocks that must be used for employees to record their time. Non-exempt employees (in time clock locations) must clock in and out each day. If the employee has no access to a time clock then he/she will either log their own time in the Kronos system or the manager will input punches for the employee via the Kronos electronic timecard.

Personnel not using time clocks as assigned, clocking in for someone else or having other people clock in for them may be subject to disciplinary action, up to and including termination for all those involved.

B. Time Window for Clocking In/Out

Employees should attempt to clock in/out as close to their designated start/end time as possible. However, in large work groups, it may not be possible for all employees to clock in within the same sixty second window of time. Therefore a time window of seven minutes before and after the

designated start time has been created so that the employee will not be docked in pay or paid extra.

C. Clocking in Late

Employees are expected to clock in and out at times designated by their manager/designee. *Employees clocking in 8 minutes after their designated start time are considered late.* The 7 minute allowance is granted to “allow employees who have an occasional unexpected situation arise which would cause the employee to be a little late to work without the late arrival documented. The 7 minute window is to be used as an *occasional* cushion for unplanned late arrival.” Absenteeism and tardiness will be handled as indicated Absenteeism/Tardiness Administrative Directive.

D. Clocking in Early

Employees may not clock in more than 7 minutes before their scheduled work time without authorization from their manager/designee.

E. Clocking out Late

Employees may not clock out more than 7 minutes after the scheduled work end time without authorization from their manager/designee.

F. Failure to Properly Clock In and Out

For timeclock employees, it is each employee’s responsibility to clock in and out. If an employee fails to clock, it is the responsibility of the employee to notify his/her supervisor no later than one day after it occurred. If the employee fails to notify their supervisor by the payroll deadline, missed pay may not be paid until the following payday.

G. Tardiness

Tracking tardies will be consistent with the Administrative Directive: Absenteeism/Tardiness.

Employees are expected to be ready to work at their designated/scheduled start times.

H. Meal and Other Breaks

Break periods shall be given in accordance with departmental guidelines.

The Kronos system automatically deducts either a half hour or one hour lunch after 6 hours of work based on your work schedule.

NON-exempt employees required to work through the meal period must be paid for the time worked however working through lunch should be approved in advance and the lunch deduction must be removed by the supervisor or supervisor's designee.

I. Overtime

All overtime must be authorized in advance by departmental administration (this includes skipping lunches). **Non-exempt employees who work overtime without authorization must still be paid for the time worked** but disciplinary action will be taken if the behavior continues.

J. Discipline for Missed Punches

It is the employee's responsibility to punch in and out. Employees who consistently miss documenting their time in the KRONOS system may be subject to disciplinary action up to and including termination.

Disciplinary action may be taken as follows:

<i># Missed Punches</i>	<i>Action (Tracked on a rolling 12 months)</i>
4	<i>Coaching/Counseling</i>
6	<i>1st Level</i>
9	<i>2nd Level</i>
10	<i>3rd Level</i>
10+	<i>Termination</i>

Missed punches are reviewed during the attendance year (the last eleven months of continuous COC employment plus the current month, "rolling twelve months"). If an employee does not punch in due to forgetting or losing their ID badge they will still be charged for a missed punch for the day of the incident.

Employees working less than 40 hours per week will be disciplined for the number of missed punches according to the percentage of a 40-hour week they work. For example, an individual working 20 hours per week will receive coaching/counseling after 2 missed punches (4 missed punches x 0.5 { % of a 40 hour week worked } = 2 missed punches).

IV. EXEMPT EMPLOYEE TIME RECORDING

- A. Exempt Employees will have a schedule in the system and will be required to update their exception time paycodes only (i.e. the Kronos schedule shows Mon-Fri. 8-5 but if the employee calls in sick on Wed. then the employee must enter that exception paycode for your absence). When entering time for a salaried employee, remember to only enter exception time.

V. TIMESHEET CORRECTIONS PROCEDURES

If there is an error on your pay check the following rules will apply:

- A. If the employee is short "base" hours (non-overtime), their check will be corrected through a supplemental pay process. If the employee is on direct deposit, the EFT will be processed and a paper check will be issued for the difference.
- B. If the employee is short "overtime" hours, no adjustment or additional payment will be made until the next pay period.
- C. If the employee is overpaid for any reason or amount, the employee must notify their supervisor immediately and the overpayment must be returned to the City. The following options are available to the City for recovery of overpayments:
- reverse the EFT and issue a paper check for that pay period, providing the City is aware of such payment prior to pay day;
 - issue a direct debit (withdrawal) to the bank account;
 - correct the overpayment on the next pay check, or
 - reissue the paper check.

NOTE: The employee will be notified regarding which option will be used to recover the overpayment if the recovery happens after issuance of the check or direct deposit.

- D. The Timesheet Correction Form should be used for any type of request for a pay action that cannot be accomplished through Kronos because it occurred in a prior pay period. It also may be used if issues such as employees not appearing in Kronos or reversal of sick/vacation time used.
- E. If time is submitted incorrectly, corrections will have to be made in the following pay cycle. The Assistant City Manager and Director over the

department may be notified of time reported incorrectly that results in a Paycheck Correction Form being processed by Payroll, and discipline may occur.

- F. Employee not appearing in Kronos – If all proper personnel actions for hiring or changing an employee have been completed and the employee does not appear in Kronos, please contact Workforce Services.

VI. SYSTEM DOWNTIME PROCEDURE

In the event of a power and/or network outage, and/or other disaster, time will be recorded using the paper time forms kept on hand in each department for emergency use. Time will be recorded by the department in Kronos once normal business operation return.

VII. DIRECT DEPOSIT

- A. Direct deposit or ACH is required for all employees.
- B. The City will allow direct deposit into any account as long as the financial institution has an appropriate ABA Routing Number.
- C. No pay handled through a supplemental cycle will be transmitted through ACH.
- D. No final check will be handled through ACH.
- E. One prenote will be executed prior to funds being transmitted through ACH or before a change to your account is executed through ACH.
- F. Funds availability in the employee's account will depend on the employee's financial institution. Employees are encouraged to ask their financial institution when the funds will be available.
- G. Employees can review their paycheck information through their Lawson self-service account.

VIII. PAYMASTER RESPONSIBILITIES

- A. The Paymaster is an individual assigned by the Department Director as having the authority to pick up pay checks from Payroll on the Friday pay day. Authorization forms must be on file with Payroll. Any changes of

authorization must be submitted to Payroll no later than 5:00 p.m. Thursday before the Friday pay day.

- B. Paymasters are to release checks **only** to the employee or to any authorized person stated on a "**CHECK RELEASE**" form.
- C. If a Paymaster is unable to give a payroll check to an employee, the check must be returned to Payroll by 11:00a.m. on that Friday pay day. The Paymaster should also submit to Payroll any applicable "CHECK RELEASE" forms. EXCEPTION: Departments may hold checks in a secure place for weekend shifts.

IX. PAY CHECK DISBURSEMENT

- A. Pay checks and EFT advices are to be picked up on pay day Friday by authorized Paymasters or Department Directors **only**.
- B. In order for an employee to pick up a pay check that has been returned to Payroll, the employee must call Payroll to verify that staff will be available to release the check. The employee **MUST** be able to produce picture identification.
- C. Individual pay checks will not be issued earlier than the standard release day/time.

X. LOST OR DESTROYED CHECKS

Lost or destroyed checks will be reissued as soon as possible after notification to Payroll. Prior to issuing the replacement check, Finance must issue a stop payment to the bank.

XI. W-2 PROCESSING

- A. Your name (for payroll purposes) must be the same as your Social Security Card.
- B. All employees must complete a W-4 prior to beginning work for the City. An employee may change their W-4 election any time during the year.
- C. W-2's will be issued by January 31 of each year and mailed to your address on file with Workforce Services.

- D. Employees using take home vehicles are required to submit documentation of days which the vehicle was taken home upon termination or by January 7th of the following year for reporting on the W-2.

XII. STANDARD OF CONDUCT

Abuse of time keeping, including but not limited to, excessive tardiness, reporting time incorrectly, clocking in for other people, requesting other people to clock in for you, clocking in late, clocking in early, missed punches, failure to delegate approval, failure to approve time, or excessive use of Timesheet Correction Forms may result in disciplinary action up to and including termination.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: MILITARY LEAVE

REFERENCE NUMBER: 14

I. STATEMENT OF PURPOSE

The City will be compliant with all Federal and State laws regarding the use of military leave.

II. DEFINITIONS

- A. **MILITARY LEAVE** - is defined as leave to be used solely for the purpose of fulfilling a military obligation that does not exceed fifteen (15) days.
- B. **EXTENDED MILITARY LEAVE** - is defined as the leave period beyond the standard fifteen (15) days in which an employee is fulfilling a military obligation.
- C. **INVOLUNTARY RESERVE ACTIVATION (Order to active tour of duty)** – is defined as being called to active duty and does not include voluntary activation.

III. ELIGIBILITY

All full and part time regular employees who are actively participating in the United States Reserves or National/State Guard are eligible to use military leave.

IV. ACCRUALS

There is no accrual of military leave. Up to fifteen (15) paid days, per calendar year of military leave is available for use as required by Law.

V. PAY OUTS

Unused military leave time will not be paid out at the time of separation.

In the case of involuntary reserve activation (*order to active tour of duty*), the City will, for the period of one year (12 consecutive months) or less, pay partial salary to the activated employee during this tour of duty. This payout will be the difference between the reservist's military pay and his or her salary at the time of involuntary activation. The payout will begin after vacation leave and compensatory leave hours have been exhausted. There will be no continued accrual of holiday, sick, vacation and longevity leave when this payout begins. The reservist will be required to supply a written copy of military orders whenever available and monthly copies of pay stubs to activate and maintain this pay out. If the reservist's active duty extends beyond the 12 consecutive months, pay status will revert to Extended Military Leave Without Pay.

This provision does not apply to voluntary duty of any kind.

VI. PROCEDURES

An employee wishing to use military leave will submit a written request for leave and, if available, a copy of written orders to his or her supervisor as soon as possible after notification of or volunteering for duty.

While the City does require written notice of a military leave request it does recognize that an occasion may arise where advance notice is not possible. When this occurs, upon return to work, the employee will be required to submit either a copy of official orders or another form of official documentation for the time period away from work. The supervisor may seek verification of any military leave used.

The employee should contact Workforce Services for the coordination of leave benefit. The Supervisor will also forward a copy of the request and the military orders to the employee's personnel file in the Workforce Services Department.

A. Military Leave - 15 Days or Less

Employees will receive pay at their normal base rate for up to fifteen (15) work days in a calendar year.

B. Extended Military Leave - 16 Days or More

All leave days beyond the fifteen (15) may be paid, at the employee's discretion, using accrued Holiday, Compensatory, or Vacation time. (Accrued sick leave may not be substituted.) The employee may also choose to take the remaining duty days as unpaid.

A supervisor who has an employee using military leave has no obligation to change the work schedule so that the employee receives a full forty (40) hours work. (i.e., if an employee's normal schedule is 8 to 5 Monday through Friday and the employee must miss Friday due to military duty, the supervisor does not have to let the employee work another day to make up the hours.)

The City has no obligation to pay an employee on military leave for training days that occur on a regular day off or outside of work time.

All employees using military leave should make arrangements for the disbursement of any pay received from the City during their absence. (i.e. Check Release Form for a relative or spouse.) This is the responsibility of the employee and no funds will be released without proper authorization.

VII. LEAVE ACCRUALS

Leave accruals are based solely on compensable time worked, job status, or leave. Once an individual enters into an Extended Military Leave all leave accruals will cease. Refer to the various leave policies for more information.

VIII. MISUSE/MISREPRESENTATION

Misuse or misrepresentation of the use of military leave is a serious offense and will be handled through Positive Performance Management. This includes not returning to work on the next regularly scheduled work day/shift after completion of any military leave.

Filing of false military documents or orders for the purpose of receiving military leave is also a serious military offense and is covered under the Uniform Code of Military Justice (UCMJ). If any such documents are discovered the offense will be reported to the appropriate unit or command authority.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: VACATION

REFERENCE NUMBER: 15

I. ELIGIBILITY

- A. All regular full-time and part-time benefit eligible employees are eligible to accrue vacation time from the first day of employment.
- B. Seasonal employees, part-time employees who are not benefit eligible and temporary employees are not eligible for vacation time.
- C. Non-Civil Service employees who are in an unpaid leave or inactive status are not eligible for vacation accrual.
- D. All eligible employees who have completed six (6) full months of employment are eligible to use vacation leave.

II. ACCRUAL

- A. The accrual for Non-Civil Service employees is based solely on compensable hours worked or compensable hours used when an employee is on a paid leave status (i.e., Sick, Vacation, or Compensatory leave). Accrual will be pro-rated based on the number of hours an employee actually worked or hours used on a paid leave status within that pay period.

For employees with **20 or more years of service**, the maximum accrual rate per period is:

- 1. Non-Civil Service-Full Time 6.16 hours per pay period
- 2. Non-Civil Service-Part Time 6.16 hours per pay period**Proportionate to hours worked*

3. Civil Service-40 hours per work week 6.16 hours per pay period
4. Civil Service Fire Shift 9.23 hours per pay period

For employees with **5 to 20 years of service**, the maximum accrual rate per pay period is:

1. Non-Civil Service-Full Time 4.62 hours per pay period
2. Non-Civil Service-Part Time 4.62hours per pay period**Proportionate to hours worked*
3. Civil Service-40 hours per work week 4.62 hours per pay period
4. Civil Service Fire Shift 6.92 hours per pay period

For employees with **less than 5 years of service**, the maximum accrual rate per pay period is:

1. Non-Civil Service-Full Time 3.23 hours per pay period
2. Non-Civil Service-Part Time 3.23 hours per pay period**Proportionate to hours worked*
3. Civil Service-40 hours per work week 4.62 hours per pay period
4. Civil Service Fire Shift 6.92 hours per pay period

- B. The accrual for Civil Service employees is based on a fixed pay period amount rather than on compensable hours.
- C. The maximum number of vacation hours an employee may accrue is **288** hours. Civil Service Fire Department employees on a twenty four hour shift may accrue **432** hours.
- D. Accruals occur every pay period.

III. PAY OUTS UPON SEPARATION FROM EMPLOYMENT

- A. Non-Civil Service employees hired on or before January 1, 2011, in a benefit eligible position, who have completed five (5) years of service will be paid for accrued vacation leave up to a maximum of 288 hours at the time of separation from employment.
- B. Non-Civil Service employees hired on or before January 1, 2011, in a benefit eligible position, who have completed 6 full months of service, but less than 5 years, will be paid for accrued vacation leave up to a maximum of 160 hours at the time of separation from employment.

- C. Non-Civil Service employees hired after January 1, 2011, in a benefit eligible position, who have completed six full months of service will be paid for accrued vacation up to 120 hours at the time of separation from employment.
- D. Civil Service employees who have completed 6 full months of service, in a benefit eligible position, will be paid for accrued vacation leave up to a maximum of 288 hours. Civil Service Fire Shift employees who have completed 6 full months of service will be paid for accrued vacation leave up to 432 hours.

IV. WORKERS' COMPENSATION SUPPLEMENT

Vacation hours shall be used to supplement an employee's workers' compensation to allow an employee to receive a combined income equivalent to, but not exceeding their normal net pay.

V. PROCEDURES

A. SCHEDULING/NOTIFICATION

- 1. Supervisors must approve all vacation requests, giving due consideration to the needs of the department and the ability of the remaining staff to perform the work of the department or division. It is requested that each employee give his/her supervisor the maximum notice possible. If taking more than one day of approved vacation time, an employee must make the request at least 3 working days in advance.
- 2. The circumstances of individual departments (i.e., internal scheduling, etc.) may require more advance notice in order to arrange such leave.
- 3. Employees eligible for vacation leave will receive pay based on the hours they are scheduled to work. For example, a part-time employee is scheduled to work four (4) hours per day, the employee will receive four (4) hours per day of vacation time used.
- 4. Employees who do not have sufficient leave may be subject to disciplinary action up to and including termination.

VI. CIVIL SERVICE

All Civil Service employees are governed by Chapter 143 of the Texas Local

Government Code. Any provisions of that law that conflict with any portion of this directive will supersede this directive.

VII. LEAVE SUBSTITUTION

All applicable leave will be used prior to authorizing leave without pay. When there is an insufficient balance of a certain type of requested leave, other leave types shall be substituted to satisfy the request. Leave substitution will be applied according to the following chart.

Vacation Leave Substitution Chart:

Vacation > Compensatory Time > Holiday > Leave Without Pay (LWOP)



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: SICK LEAVE

REFERENCE NUMBER: 16

I. ELIGIBILITY

All regular full-time and part-time employees are eligible to accrue sick leave from the first day of employment.

Seasonal employees and temporary employees are not eligible for sick leave.

Non-Civil Service employees who are in an unpaid leave or inactive status are not eligible for sick accrual.

All eligible employees who have completed one (1) full month of employment are eligible to use sick leave.

II. ACCRUAL

The accrual for Non-Civil Service employees is based on compensable hours worked or compensable hours used if an employee is on a paid leave status (i.e., Sick, Vacation, or Compensatory leave). Accrual will be pro-rated based on the number of hours an employee actually worked, or hours used on a paid leave status within that pay period. For employees with **5 or more years of service**, the maximum accrual rate per pay period is:

- A. Non-Civil Service-Full Time 4.62 hours per pay period
- B. Non-Civil Service-Part Time 4.62 hours per pay period**Proportionate to hours worked*
- C. Civil Service-40 hours per week 4.62 hours per pay period

D. Civil Service Fire Shift 6.92 hours per pay period
For employees with less than 5 years of service, the maximum accrual rate per pay period is:

- A. Non-Civil Service-Full Time 3.23 hours per pay period
- B. Non-Civil Service-Part Time 3.23 hours per pay period**Proportionate to hours worked*
- C. Civil Service-40 hours per week 4.62 hours per pay period
- D. Civil Service Fire Shift 6.92 hours per pay period

The accrual for Civil Service employees is based on a fixed pay period amount rather than on compensable hours.

The number of sick hours an employee may accrue is unlimited. Accruals occur every pay period.

III. PAY OUTS UPON SEPARATION FROM EMPLOYMENT:

Non-Civil Service employees hired, in a benefit eligible position, on or before January 1, 2010 who have completed five (5) years of service will be paid for accrued sick leave up to a maximum of 960 hours. Non Civil Service employees hired after January 1, 2010 will not be paid for accrued sick leave upon separation from employment.

Civil Service employees who have completed 1 full year of service, in a benefit eligible position, will be paid for accrued sick leave up to a maximum of 960 hours. Civil Service Fire Shift employees who have completed one full year of service will be paid for accrued sick leave up to a maximum of 1440 hours.

IV. APPROPRIATE USES OF SICKLEAVE:

Sick leave may be used by an employee in cases of personal illness, doctor's visits, or physical incapacity.

Sick leave may be used by an employee who is required to assist his or her spouse, child, parent, brother or sister during an illness, doctor's visit, physical incapacity, in attending a bona fide counseling session by a qualified counselor or a medical emergency situation.

Sick leave shall be used to supplement bereavement leave after exhausting annual bereavement allotment as per Administrative Directive – Leave.

Sick leave shall be used to supplement an employee's worker's compensation pay to allow an employee to receive a combined income equivalent to, but not exceeding their normal net pay.

Employees found to be engaging in activities that could hinder their recovery during sick leave may be disciplined through Positive Performance Management.

V. PROCEDURES

Scheduling/Notification

A. To receive paid sick leave an employee must:

1. Notify his or her supervisor or authorized representative as soon as possible, but no later than **30 minutes** after the time set for the beginning of work, of their intent to use sick leave.
2. If the employee is absent for more than one day it is the employee's responsibility to contact his/her supervisor each day, following the guidelines outlined above.

B. The circumstances of individual departments (i.e. internal scheduling, shift work) may require an alternate reporting requirement. This alternate reporting system must be documented in writing and made known to the employees by posting it in a conspicuous place and/or giving a copy of the reporting requirements to each employee.

C. Employees eligible for sick leave will receive pay based on the hours they are scheduled to work. For example, a part time employee is scheduled to work four (4) hours per day; the employee will receive four (4) hour per day of sick leave used.

D. Misuse of Sick Leave - An employee may incur disciplinary action for the inappropriate use of sick leave or failure to notify his or her supervisor as stated above.

E. A physician's note may be required when an employee has been absent three (3) or more days or as needed by the supervisor in order to determine

the appropriate use of leave or to determine the employee's fitness to return to work.

- F. Employees who do not have sufficient leave may be subject to disciplinary action up to and including termination.

VI. CIVIL SERVICE

All civil service employees are governed by Chapter 143 of the Texas Local Government Code. Any provisions of that law that conflict with any portion of this policy will supersede this directive.

VII. LEAVE SUBSTITUTION

All applicable leave will be used prior to authorizing a leave without pay (LWOP). When there is an insufficient balance of a certain type of requested leave, other leave types shall be substituted to satisfy the request. Leave substitution will be applied according to the following chart.

Sick Leave Substitution Chart:

Sick > Vacation Time > Compensatory Time > Holiday > LWOP

Sick leave is not included in the overtime calculation.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: HOLIDAY

REFERENCE NUMBER: 17

I. ELIGIBILITY

- A. All regular full and part time employees are eligible for holiday time from the first day of employment.
- B. Seasonal, temporary, and employees that work less than 20 hours per week without benefits are not eligible for holiday time.

II. OFFICIAL HOLIDAYS

- A. The following holidays are official holidays for regular full and part time employees (excluding Fire Fighters):

- New Years Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Thursday
- Thanksgiving Friday
- Christmas Day
- Floating Holiday

- B. The following are the official holidays for Fire Fighters:

- New Years Day
- Memorial Day
- Independence Day

- Labor Day
- September 11th
(Effective September 11, 2009 due to passage of H.B.2113 in the 2009 Texas Legislative Session)
- Thanksgiving Thursday
- Thanksgiving Friday
- Christmas Day

III. OBSERVATION OF HOLIDAYS

- A. Holidays occurring on Saturday will be observed on the preceding Friday and holidays occurring on Sunday will be observed on the following Monday.

IV. ACCRUAL/“BANK”

- A. Non Civil Service, non-exempt employees who are required and/or expected to work on an official holiday will be paid for the hours actually worked at regular wages/salary. They will also be paid for the holiday in addition to the hours worked.
- B. When an employee’s regularly scheduled day off falls on a holiday they will bank the holiday hours according to their holiday allotment schedule.
- C. Non Civil Service employees will not be allowed to "bank"/accrue holiday time until the pay period that the holiday actually occurs.
- D. Civil Service Employees will be allowed to use holidays in advance of them occurring. An employee who uses a holiday in advance will repay the City for that holiday if they terminate employment prior to the holiday occurring.

V. PROCEDURES

- A. Accrued holidays not used within the same year will be carried over until the end of the following year. Hours accrued but not used by the end of the second year will be lost.
- B. An employee on a leave status (Sick, Vacation, Salary Continuation, etc.) will be paid holiday pay in lieu of the leave status pay they are on at the

time of the holiday. (i.e. an employee on vacation leave for one week and a holiday occurs in the middle of the week taken will use four (4) days vacation and receive one (1) day Holiday pay. The hours paid for these days will be based on the hours regularly scheduled for the employee.)

- C. An employee placed on an “inactive status” will not be paid for or accrue holidays within that pay period.
- D. Terminating employees will not be allowed to use a holiday as their final day of employment.
- E. Employees may request to take other religious and national holidays but any such request is subject to the approval of the supervisor. If approved the employee must use appropriate leave balances (i.e. Compensatory Time, Holiday Accruals, Vacation, etc. Sick Time is not authorized for use.)
- F. Civil Service employees will use and accrue holiday hours in accordance with departmental SOPs.
- G. Leave Substitution

City of Carrollton policy requires all available leave to be used prior to authorizing a leave without pay (LWOP). In accordance with that policy, other leaves will be automatically substituted when there is an insufficient balance of a requested leave or substitution type (i.e. if five (5) days of holiday are requested but the employee only has two (2) days of holiday time then any compensatory accruals would be substituted, if available. If there is no compensatory accrual or the balance is insufficient to cover the request then vacation will automatically be substituted, if available.) This chain would continue, following the substitution chart below, until no accruals remained before a leave of absence would be granted.

Discretionary leave is not part of the automated leave substitution process. The use of discretionary leave is solely at the discretion and approval of the department director. The use of this leave may occur by submitting it on the time sheet.

Holiday Time Substitution Chart:

Holiday > Compensatory Time > Vacation Time > LWOP



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: LEAVE

REFERENCE NUMBER: 18

I. DISCRETIONARY LEAVE

A. ELIGIBILITY

All regular full and part time exempt employees are allowed to use discretionary time in accordance with this policy. Seasonal and temporary employees are not eligible for discretionary time. Exempt employees are expected to accomplish their jobs without regard to the number of hours worked.

B. USE

When the work schedule permits, supervisors may grant up to nine (9) hours of discretionary leave per week. In extraordinary circumstances, more than nine hours may be granted with City Manager approval.

Employees will not be paid for any unused discretionary time upon separation of employment.

II. BEREAVEMENT LEAVE

A. ELIGIBILITY:

All full and part time employees and individuals with a contract granting leave are eligible for 3 days paid bereavement leave per calendar year from the first day of employment. In addition all bereavement eligible employees are allowed to use an additional 3 days of sick leave after exhausting their initial 3 days of bereavement leave. Sick leave hours are defined by the bereavement allotment schedule.

Seasonal, temporary, employees that work less than 20 hours a week without benefits are not eligible for paid bereavement leave.

B. ALLOTTMENT:

A bereavement leave balance is allotted at the start of each calendar year for each regular full and part time employee and individuals with a contract granting leave. Bereavement hours will be accrued according to their bereavement allotment schedule. For example, 20 hour per week part-time employees will receive a total of 12 hours of bereavement leave (3 days at 4 hours per day).

C. APPROPRIATE USE OF BEREAVEMENT LEAVE:

Bereavement leave may be used by an employee in the case of the death of:

- Spouse
- Child (Natural, Step, Adopted)
- Parent
- Parent-In-Law
- Brother
- Brother-In-Law
- Sister
- Sister-In-Law
- Grandparent
- Grandparent-In-Law
- Grandchild
- Legal Guardian or Ward

An employee may utilize vacation, compensatory time, or a banked holiday in the event of a death of someone not listed above.

The City reserves the right to request documentation when bereavement

leave is utilized.

Bereavement leave may be used up to two weeks from the date of the event. If a request is made after the two week period, the employee must obtain approval and use available leave balance(s).

D. PROCEDURES

While it is understood that notice to the supervisor for Bereavement Leave is generally limited, it is requested that as much notice as possible be given.

E. BEREAVEMENT LEAVE SUBSTITUTION

The City of Carrollton policy requires all available leave to be used prior to authorizing a leave without pay (LWOP). In accordance with this policy, other leaves will automatically be substituted when there is an insufficient balance of requested leave or substitution type. (i.e. If ten (10) days of leave are requested to take care of family needs in conjunction with a death in the family, then the 3 days of sick leave will automatically be substituted, if available. If there is no sick leave balance or it is insufficient to cover the request then compensatory time automatically is substituted, if available. This chain would continue, following the substitution chart below, until no accruals remained before a leave of absence would be granted.

Discretionary leave is not part of the automated leave substitution process. The use of discretionary leave is solely at the discretion and approval of the department director. The use of this leave may occur by including a note in Kronos.

F. BEREAVEMENT LEAVE SUBSTITUTION CHART:

Bereavement Leave >Sick Leave (up to a maximum of 3 days)
>Compensatory Time >Holiday >Vacation > LWOP

III. HEALTH CENTER LEAVE

On January 1st of each year, employees on any of the City's health plans will receive four (4) hours to be used to access the Health Center. This time cannot be rolled over from year to year. In order to use this time, the Supervisor may require the employee to obtain a note from the Health Center at the visit and

provide it to their Supervisor.

IV. JURY DUTY/WITNESS SERVICE

Full-time and part-time employees called to serve on a jury or to testify as a voluntary witness at the request of the City of Carrollton (by subpoena or otherwise) will be paid for the day or days in which the court requires attendance. Temporary, seasonal, employees that work less 20 hours a week without benefits will be granted an excused day(s) off for jury duty but will not be paid.

If employees are subpoenaed to appear in court as witnesses, but not at the request of the City, they will be excused from work in order to comply with the subpoena but will not be paid for the time off. They can, however, use available vacation, holiday or compensatory time to receive pay for time off.

Employees must present any summons to their supervisor on the first working day after receiving the notice. If an employee is not required to serve or is excused before serving three hours of jury duty, s/he is expected to report to work.

Employees may keep any compensation they are paid for jury duty. They will be paid their straight time base rate of pay for all hours missed due to the jury duty in addition to any compensation received from the court. Compensation for witness service will be paid only if the employee is summoned for witness service by the City.

V. TIME TO VOTE

The City of Carrollton encourages its employees to participate in the election of government leaders. Therefore, if an employee does not have sufficient time outside regular work hours to vote, adequate time off without pay will be allowed at the beginning or end of the workday to exercise this right. If possible, employees should make their requests for time off to vote at least 48 hours in advance of Election Day. Employees are encouraged to take advantage of early voting opportunities when available, and effort should be made to vote either before or after the employee's normal workday.

VI. DONATED LEAVE

Donated leave will allow employees to be responsive to and support fellow employees whose leave bank has been depleted.

A. ELIGIBILITY:

All regular full and part time employees who are eligible to accrue and use vacation leave are eligible to donate vacation time to be used by another employee.

All regular full and part time employees who have completed one (1) full month of employment are eligible to use donated leave provided they have used all available leave balances.

B. APPROPRIATE USE OF DONATED LEAVE:

Donated leave may be used by an employee in cases of personal illness or physical incapacity, when all other leave balances have been exhausted.

- A serious health condition of the employee which makes the employee unable to perform the functions of his/her position;
- the birth of a child and to care for the child within twelve months of birth;
- the placement of a child for adoption or foster care and to care for the newly placed child within twelve months of placement;
- to care for a child, spouse, or parent of the employee who has a serious health condition, which includes physical care and/or psychological comfort as a medical necessity;
- because of a qualifying exigency due to spouse, son/daughter, or parent being on or called to active duty
- to care for a spouse, son/daughter, parent or next of kin who is a service member who incurred a serious illness/injury while on active duty

C. DONATION PROCEDURES:

To receive donated leave an employee or an employee's designee must fill out a request for Donated Leave Form, and forward it to Workforce Services for the publication of a request for donated leave.

Citywide notification of the need for donated leave will be made through Workforce Services.

Employees desiring to donate vacation time should fill out a donation of vacation time slip and forward it to Workforce Services. Donated leave requests will be time-stamped as received and used at the time designated by the Payroll Department.

Only vacation time may be donated. Upon receipt of the donated time it will be converted to sick time.

Employees may only donate vacation time in full hour increments. Donation is on an hour for hour basis irrespective of pay rates.

Employees may not donate more than 50% of their current vacation leave balance. Unused donated time will be returned to the donating employee.

Employees in need of donated leave may not receive more than 12 months of donated vacation leave. Use of such leave may affect the receiving employee's long term disability benefits. It is the receiving employee's responsibility to review and understand all available benefits.

Donated vacation time will be counted as income for the receiving employee and will be taxed as such.

Employees who do not have sufficient leave may be subject to discipline up to and including termination.

D. MISUSE OF DONATED LEAVE:

An employee may incur disciplinary action for the inappropriate use of donated leave.

VII. LEAVE SUBSTITUTION

City of Carrollton policy requires all available leave to be used prior to authorizing a leave without pay (LWOP). In accordance with this policy, other leaves will be automatically substituted when there is an insufficient balance of a requested leave or substitution type. (i.e. if ten (10) days of compensatory time off are requested but only have five (5) days of compensatory time then any holiday accruals will be substituted, if available. If there is no holiday accrual or it is insufficient to cover the request, then vacation will automatically

be substituted, if available.) This chain would continue, following the substitution chart below, until no accruals remained before leave without pay would be granted.

Compensatory Time Substitution Chart:

Compensatory Time > Holiday > Vacation Time > LWOP



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: FAMILY MEDICAL LEAVE ACT (FMLA)

REFERENCE NUMBER: 19

I. ELIGIBILITY

All employees, including seasonal and temporary, who have been employed for at least 52 weeks with the City and who have worked 1,250 hours in the previous 12-month period are entitled to FMLA leave. The required 52 weeks of employment need not be consecutive.

For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee was on leave during the week.

The 1,250 hours shall be based on **actual hours worked** in the previous 12 month period in accordance with the Fair Labor Standards Act (FLSA).

II. QUALIFYING REASONS

In order for leave to be qualified and designated/coded as FMLA leave, the employee must be taking the leave for one of the reasons listed below:

- A serious health condition of the employee which makes the employee unable to perform the functions of his/her position;
- the birth of a child and to care for the child within twelve months of birth;
- the placement of a child for adoption or foster care and to care for the newly placed child within twelve months of placement;

- to care for a child, spouse, or parent of the employee who has a serious health condition, which includes physical care and/or psychological comfort as a medical necessity;
- because of a qualifying exigency due to spouse, son/daughter, or parent being on or called to active duty
- to care for a spouse, son/daughter, parent or next of kin who is a service member who incurred a serious illness/injury while on active duty

III. DEFINITIONS

- A. **SERIOUS HEALTH CONDITION** – an illness, injury, impairment, or physical or mental condition that involves:
1. Inpatient care in a hospital, hospice, or residential medical care facility
 2. Continuing treatment by a health care provider
 - a. Treatment two or more times by a health care provider that occurs within 30 days of the period of initial incapacity
 - b. Treatment by a health care provider on at least one occasion with results in a regimen of continuing treatment and the first visit occurs within seven days of the initial incapacity.

NOTE: Short-term conditions requiring only brief treatment and recovery are not “serious health conditions.” Such conditions include the common cold, flu, ear aches, upset stomach, minor ulcers, headaches (other than migraines), periodontal disease, etc

- B. **CONTINUING TREATMENT** – a period of incapacity relating to a serious health condition that lasts more than three consecutive calendar days and any subsequent treatment relating to the same condition.
1. Any period of incapacity due to pregnancy or for prenatal care
 2. Chronic serious health condition
 - a. Requires periodic visits (at least twice a year) for treatment
 - b. Continues over an extended period of time
 - c. May cause episodic rather than a continuing period of incapacity
 3. Permanent/Long Term Condition Requiring Supervision- a period of incapacity which is permanent or long-term due to a condition for which treatment is not effective

- a. Employee must be under the continuing supervision of, but need not be receiving active treatment by a health care provider
 - b. Ex. Alzheimer's, severe stroke or terminal stages of a disease
- 4. Multiple Treatments (Non-Chronic Condition)-any period of absence to receive multiple treatments (including any period of recovery) by a health care provider, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment
 - a. Ex. Cancer (Chemotherapy, Radiation, etc)
 - b. Ex. Severe Arthritis (Physical Therapy)
 - c. Ex. Kidney Disease (Dialysis)
- C. CHILD - means biological, adopted, foster child, stepchild, or legal ward, under age 18, or 18 or older and incapable of self-care because of a mental or physical disability.
 - 1. "Incapable of self-care" means that active assistance or supervision is needed in performing several of the activities of daily living, such as grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, using public transportation, etc.
- D. SPOUSE - means husband or wife, including common law, as defined by Texas State Law.
 - 1. Legal documentation must be provided to the City as to the existence of the employee's common law marriage.
- E. PARENT - means a biological parent or individual who had responsibility for the employee as a child. This term does not include parents "in law."
- F. INCAPACITY - refers to an inability to work, attend school or perform other regular daily activities due to the serious health condition, including treatment for and recovery from the serious health condition.
- G. HEALTH CARE PROVIDER – includes the following if authorized to practice by the State and if performing within the scope and practice as defined by State Law
 - 1. a doctor of medicine, doctor of osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse midwife, clinical social worker, Christian Science

practitioner, any health care provider from whom City of Carrollton's Third Party Administrator will accept certification of the existence of a serious health condition to substantiate a claim for benefits, any health care provider listed above who is authorized to practice outside the United States by the laws of that country and who is performing within the scope of his/her practice as defined under the country's laws.

- H. **INTERMITTENT LEAVE** - leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from one minute or more to several weeks.
1. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy.
 2. Intermittent leave is required on the basis of **medical necessity** for all eligible uses of FMLA except childbirth and child placement. For these exceptions, the Department Head, at his/her discretion and the employee may agree to provisions for intermittent leave.
 3. **Employees are obligated to make a reasonable effort to schedule appointments and/or treatment so as to not disrupt the work unit and/or organization's operations.**
- I. **MEDICAL CERTIFICATION** - a written statement by a treating physician that identifies which part of the definition of "Serious Health Condition," if any, applies to the patient's condition, and the medical facts which support the certification.
- J. **REDUCED LEAVE SCHEDULE** - is a leave schedule that reduces an employee's usual number of working hours per work week, or hours per work day.
1. A reduced leave schedule is required based on **medical necessity** for all eligible uses of FMLA except childbirth or child placement. For these exceptions, the Department Head, at his/her discretion and the employee may agree to provisions for a reduced leave schedule.
- K. **REGIMEN OF CONTINUING TREATMENT** - includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition.

1. Unless complications arise, it does not include treatment that involves the taking of over-the-counter medications, bed-rest, drinking fluids, exercise, and other similar activities, which can be initiated without a visit to a health care provider.

L. QUALIFYING EXIGENCY LEAVE - employees with a spouse, parent, or child who is on or has been called to active duty in support of a contingency operation in the Armed Forces may take up to 12 weeks of FMLA leave when they experience a "qualifying exigency"

M. QUALIFYING EXIGENCY - has been defined by the Department of Labor as:

1. Short-notice deployment- Situations where a covered service member is notified of an impending call or order to active duty seven or fewer days from the date of deployment, in which case an eligible employee may take leave for a period of seven calendar days, beginning on the date when the covered military member is notified of the impending deployment.
2. Military events and related activities-To attend any official military ceremony, program, or event related to the call to active duty and to attend support or assistance programs and informational briefings sponsored by the military, one of its service organizations or the American Red Cross.
3. Childcare and school activities- to arrange for alternative childcare of a covered military member or a child for whom a covered military member stands in loco parentis; to provide childcare on an urgent, immediate-need basis; to enroll in or transfer a child to a new school or day care facility; or to attend meetings with school or daycare facility staff when due to circumstance arising from the active military duty.
4. Financial and legal arrangements-To make or update financial or legal arrangements to address a covered service member's absence while on active duty and for a period of 90 days following the termination of active duty status;
5. Counseling-To attend certain counseling (provided by someone other than a health care provider) for the employee, the covered service member or his or her child, if the need for counseling is due to the active duty.

6. Rest and recuperation-To spend time with a covered service member who is on a short-term, temporary rest and recuperation leave during a period of deployment.
7. Post-deployment activities-To attend arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military for 90 days following the termination of the active duty; and to address issues that arise from the death of a covered service member while on active duty.
8. Additional activities- To address other events that arise out of the active duty or call to active duty if the employer and employee agree that the leave qualifies as an exigency and agree to the timing and duration of the leave.

N. INJURED SERVICE MEMBER LEAVE - employees may take up to 26 weeks of leave in a 12-month period (including regular FMLA leave) to care for a spouse, parent, child, or next of kin who is a service member who incurred a serious injury or illness on active duty in the Armed Forces.

1. The 26 weeks are per service member and per injury/illness. Employees may take injured service member leave intermittently, but must use it up within 12 months.

O. Key employee-salaried FMLA-eligible workers who are among the highest paid 10 percent of all the employees, FMLA eligible and ineligible, and employed the employer within 75 miles of the worksite.

IV. GENERAL PROVISIONS

The Family Medical Leave Act provides that a serious health condition may result from injury on or off the job. Therefore, an employee's injury may qualify under workers' compensation, Chapter 143.073, and FMLA if the injury qualifies as a serious health condition. If an employee's injury qualifies under both FMLA and workers' compensation, or Chapter 143.073, the employee's leave will be designated as FMLA and will run concurrently with workers' compensation or injury leave under Chapter 143.073.

The City requires that an employee use available leave balances for the duration of the FMLA leave in accordance with this directive and City directives pertaining to the appropriate use of leave until the balances are exhausted or the employee returns to work. Civil Service employees on leave

due to a work related injury qualifying under Chapter 143.073 and FMLA will not be required to use accumulated sick or vacation time.

An employee may take up to 12 work weeks (26 weeks for injured service member) of leave under this directive during any twelve-month period. Each time an employee takes FMLA eligible leave, the amount of leave taken is subtracted from the 12 weeks (26 weeks for injured service member) of available FMLA leave, and the balance remaining is the amount the employee is entitled to take for the remainder of the twelve month period. When a holiday occurs within the week an employee designates as FMLA leave, the holiday is counted as one day of FMLA leave.

FMLA leave calculations will be based on a “rolling” 12 month period. The amount of leave taken in the prior twelve months will determine the amount of leave remaining.

Any absence designated as FMLA shall not be counted against an employee with regard to attendance or discipline of an employee. This provision does not prevent the discipline of an employee for failure to comply with all departmental and procedural requirements.

Where both spouses are employed by the City, the total combined amount of leave they can take may be limited to 12 weeks for the birth or adoption of a child or to care for a sick parent. If both the husband and wife use a portion of the 12 weeks of leave for either the birth, adoption, or to care for a sick parent, each would then be entitled separately to the remainder of that combined 12 week period for any other FMLA purpose.

FOR EXAMPLE: If a spouse took 6 weeks of leave to care for a newborn child, each spouse could use an additional 6 weeks due to his or her own serious health condition or to care for a child with a serious health condition. If, however, a spouse used all twelve weeks of the combined FMLA leave to care for the newborn child, then the other spouse would not be entitled to protection under the act if he/she chose to take leave to care for that child as well. However, the spouse who did not receive the protection under the Act to care for the newborn **WOULD** be entitled to his own 12 weeks for any other qualifying FMLA condition.

V. PROCEDURES FOR REQUESTING LEAVE

The City shall designate absences as FMLA leave if the condition for which

leave was taken qualifies under the law. Employees do not have the option to choose whether or not to use FMLA leave; it is required if the reason for leave qualifies under FMLA.

Requests for FMLA that meet the requirements of the law must be granted. If you have any questions concerning whether an absence/leave qualifies under the Act, contact the Workforce Services Department for guidance.

An employee, or employee's spokesperson, who gives notice (verbal or written) of the need to take FMLA leave shall be directed by his/her supervisor to complete a Leave Request (via Kronos Self-Service). Failure of the employee or spokesperson to explain the qualifying need for the leave may result in the leave being denied. A copy of the Leave Request will automatically be forwarded to Workforce Services and a message will be sent to the supervisor indicating that a leave request has been initiated. Employees should still communicate with their supervisors regarding requested leave dates.

When an employee plans to take foreseeable leave under this Directive, the employee must give the supervisor 30-days notice and provide the appropriate requested certification before the leave commences to enable the supervisor to plan for the employee's absence. If it is not possible to give 30-days notice, the employee must give as much notice as is possible and practical under the facts and circumstances of the employee's situation. An employee undergoing planned medical treatment, or who needs leave to assist an eligible family member for planned treatments, is required to make a reasonable effort to schedule the treatment with the supervisor and health care provider to minimize disruptions to the Department's operations.

If an employee fails to provide a 30-days notice for foreseeable leave *with no reasonable excuse* for the delay, the leave request may be denied up to 30 days from the date the employer receives verbal notice.

VI. NOTIFICATION AND DESIGNATION OF FMLA LEAVE

Upon receiving the Leave Request, Workforce Services will forward the appropriate documents to the supervisor and employee in order to move forward with the Leave Request.

The supervisor and employee will, within five business days, receive either a Response to Requested FMLA Leave Memo or Notice of Mandated FMLA

Leave Memo depending on the leave situation. A Notice of Mandated FMLA Leave Memorandum may be issued when there is enough information to determine that leave is qualified as FMLA even if the employee has not requested FMLA leave. These Memos notify the employee of his/her eligibility for FMLA and provides information about his/her rights, certification requirements, and responsibilities while on FMLA leave.

The employee will also receive a **certification form** (See section below regarding certifications).

Upon receipt of the appropriate completed certification from the employee, Workforce Services will issue a **FMLA Designation Notice** to the employee and the supervisor that will indicate whether or not leave is approved to be coded as FMLA, dates of FMLA approved leave, or if additional information is needed to determine if the leave is qualified as FMLA. Supervisors should not code time as FMLA until receiving this notice from Workforce Services. Supervisors will be responsible for coding any approved FMLA leave that is not considered continuous (e.g., a specified period of time like for the birth of a child). Workforce Services will automatically code any approved continuous FMLA leave.

It is the supervisor's responsibility to code intermittent leave taken for an FMLA reason as FMLA leave. The supervisor should use the **FMLA Designation Notice** to ensure that an employee's FMLA leave taken coincides with the FMLA time that was approved from the certification.

In accordance with this Administrative Directive, non-civil service employees and civil service employees requesting leave that does not qualify under Chapter 143.073 must use any accrued sick, vacation, compensatory and Holiday leave for the duration of the FMLA leave request if balances are available. Available accruals will be depleted in the following order to provide paid leave during FMLA leave. Supervisors should code FMLA time accordingly.

Sick → Vacation → Compensatory → Holiday → Unpaid Leave

In the case of an employee who takes sick leave for a condition that does not initially qualify for FMLA leave, but subsequently turns into a qualifying condition, and the employee then gives notice of the need for an extension of leave, the period from the point the condition qualified under the Act may be counted as FMLA leave.

Leave may only be retroactively designated as FMLA leave for the following reasons:

- A. The employee was absent for a FMLA reason and the supervisor did not learn the reason for the absence until the employee's return. In this case, the supervisor may designate the leave retroactively to the date leave began. The supervisor should begin the notification process upon becoming aware of the employee's need for FMLA (no later than 5 days after becoming aware of the need).
- B. The supervisor knows the reason for the leave but has not been able to confirm that the leave qualifies under FMLA, or where requested certification has not yet been received, or the parties are in the process of obtaining a second or third medical opinion. If the leave is determined to be qualified for FMLA, the supervisor may code/re-code the time appropriately as FMLA.

VII. CERTIFICATIONS

The type of certification that will be required of the employee is based on the type of leave being requested by the employee. The different Certifications are:

- A. Certification for Employee Health Condition-employee needs leave to tend to employee's own serious health condition.
- B. Certification for Family Member Health Condition-employee needs leave to tend to a serious health condition of a spouse, parent or child.
- C. Certification of Qualifying Exigency-employee needs leave to tend to a qualifying exigency as defined above.
- D. Certification of Service Member Injury/Illness- employee needs leave to tend to an eligible service member with a serious injury/illness as defined above.

Certification forms must be completed and submitted to Workforce Services within 15 days of receiving the Response to Requested/Mandated Leave Memo to support any claim for FMLA leave.

For the employee's own medical leave, certification must include a written physician's statement that the employee is unable to perform the essential

functions of his/her position. A certificate of fitness to return to work may be required at the supervisor's discretion and when the employee returns to work before the leave end date indicated by the Health Care Provider on the certification.

Certifications are considered confidential and should be immediately forwarded to Workforce Services and will be maintained in the employee's medical file.

Recertification is required every 12 months for ongoing conditions. Recertification may be required more frequently when:

1. the employee requests an extension of previously certified FMLA leave; or
2. circumstances have significantly changed (nature/duration of illness); or
3. the City receives information casting doubt on the validity of the original or any subsequent certification.

Failure to submit the appropriate requested certification in a timely manner may result in the delay or denial of the request for FMLA.

VIII. EMPLOYEE STATUS AND BENEFITS DURING LEAVE

While an employee is on paid FMLA leave, the employee's benefits will continue at the same level and under the same condition as if the employee had continued to work.

Once an employee has exhausted all paid leave, their leave will become unpaid. To continue medical, dental, vision and supplemental life benefits while on unpaid leave, an employee will be required to submit payment for their benefits by the first of each month for that month's coverage to the Workforce Services Department. The Workforce Services Department will send written notification to the employee advising them of their monthly premiums and the payment process. If a full month's payment is made and the employee is only out part of the month, the employee should contact Workforce Services to make arrangements for the appropriate adjustments. If payment is not received within 30 days after the due date, coverage will be canceled retroactive to the last date of which coverage was paid. Written notification of cancellation of coverage will be mailed 15 days before coverage is to cease due to nonpayment.

An employee who has exhausted all paid leave is not entitled to accrue additional vacation or sick accruals during a period of unpaid leave.

When an employee is out of the work place more than 30 days, the supervisor must create a personnel action in the Lawson System placing the employee on inactive status. When an employee is on inactive status, he/she is not entitled to accrue additional vacation or sick accruals, or receive bilingual pay or cell phone allowance.

When an employee fails to return to work because of the continuation, recurrence, or onset of a serious health condition, and does not comply with the request for the appropriate medical certification within 15 days of the request for leave, or when the reason for not returning for work does not meet the test for circumstances beyond the employee's control as defined in the Act, the City may recover 100% of the health benefit premiums paid for the employee during the employee's period of unpaid FMLA leave.

The FMLA leave may not result in the loss of any employee benefit accrued prior to the leave, including medical, dental, life, disability, sick leave (excluding that used for FMLA), educational benefits, and pension funds.

If an employee chooses not to continue benefits during unpaid FMLA leave the benefits in effect prior to the leave will be reinstated upon return with no reduction in the benefit, preexisting limitation or probationary period.

IX. RETURNING FROM LEAVE

Any employee who takes leave for FMLA will be restored to the same position they held prior to the leave OR a job equivalent in terms of pay, benefits, and working conditions. If an employee is determined to be a "key employee" he/she may be denied reinstatement at the end of FMLA leave if:

1. Reinstatement would cause substantial and grievous economic injury to the employer's operation
2. The employer communicates this to the employee, along with its intent not to reinstate the employee; and
3. The employee takes leave anyway or notifies the employer that they do not intend to return to work following leave.

After the expiration of the employee's entitlement to 12 weeks (26 weeks for injured service member) of FMLA leave within a twelve-month period, or an

approved non-FMLA leave, employees must return to duty. If the employee is **unable to return to duty to perform the essential function; of his/her position** because of a physical or mental condition, including the continuation of a serious health condition, the employee will be governed by the appropriate Disability/Injury Policy.

X. RESTRICTIONS/EXCEPTIONS

An employee's failure to return to work within 3 working days following the expiration of FMLA leave may be considered serious misconduct. If an employee returns to work before the date indicated by their provider on their Certification, he/she must submit a completed Physician's Release (available on CNET) to Workforce Services.

Employees requesting intermittent or reduced schedule leave may be required to transfer temporarily, during the period of the leave, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position.

1. The alternative position for the above purpose must have equivalent pay and benefits, but does not have to have equivalent duties.
2. The employee may be transferred to a part-time job with the same hourly rate of pay and benefits, provided the employee is not required to take more than the requested amount of leave as a result of the transfer.
3. The City may not transfer the employee in order to discourage the leave or to work a hardship on the employee. It must be used solely to accommodate the employee and the City.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: HARASSMENT AND DISCRIMINATION

REFERENCE NUMBER: 20

I. INAPPROPRIATE WORKPLACE CONDUCT

It is the policy of the City of Carrollton to prohibit any form of inappropriate workplace conduct including but not limited to: sex, race, politics, ethnicity, disability, age, religious persuasion, genetic information or any other basis protected by the law. The city recognizes that any form of harassment is inappropriate in the workplace (however after hours and outside the workplace harassment while conducting official business or present on behalf of the city is also inappropriate). All employees are expected to refrain from exhibiting any unwelcome behavior or displaying conduct toward any other employee or person which could reasonably be interpreted as inappropriate. Furthermore, the City will reasonably accommodate qualified individuals with known disabilities unless doing so would result in an undue hardship, health or safety concern.

II. MANAGEMENT RESPONSIBILITIES

Every supervisor is responsible for maintaining a workplace that is free of inappropriate behavior. Managers/Supervisors have the following responsibilities:

- A. To ensure that employees are not subjected to any type of inappropriate behavior, and that employees raising allegations of such conduct will be protected from illegal retaliation.
- B. Take action to stop any observed inappropriateness and report such conduct immediately to the complaining employee's supervisor and to the Workforce Services Director.

- C. Any complaint of inappropriate behavior or harassment will receive the immediate attention of the manager/supervisor to whom it was made.
- D. The department employing the individual employee complaining of or observed being subjected to any type of harassment has the primary responsibility for contacting the Workforce Services Director to determine if the inappropriate conduct amounts to harassment warranting an investigation. If for any reason there is a conflict of interest with the Workforce Services Director which would jeopardize the objectivity, the City Manager or his designee will appoint an appropriate investigator.

III. EMPLOYEES' RESPONSIBILITIES

Any employee of the city who believes he or she has been the victim of any type of inappropriate behavior, or who has witnessed inappropriate behavior, has the following options for dealing with such behavior:

- A. Politely but firmly confront the person behaving inappropriately, tell him or her that the behavior is unacceptable, and request that the person cease immediately.
- B. If the conflict cannot be resolved by meeting face to face, because the offending behavior continues or because that option is not practicable, the employee should pursue one of the following alternatives:
 - 1. Report the offending behavior to his or her immediate supervisor/manager/director.
 - 2. If the immediate supervisor/manager/director is the offending party, the employee should report the offending behavior to the Assistant City Manager in charge of the employee's department; or
 - 3. If at any time the employee is not comfortable with discussing the offending behavior with any of these levels of supervision/management, the offending behavior may be reported directly to the Workforce Services Director, who will be responsible for facilitating the complaint.
- C. Complaints of inappropriate behavior or offensive conduct should be made as soon as possible after the incident(s) which forms the basis of the complaint.

IV. INVESTIGATIONS

Investigations into complaints of any type of inappropriate or offensive conduct will normally consist of talking with the individuals and witnesses involved. All information that is gathered in an investigation will be handled as confidential, to the extent allowed by law. However, the City will not allow the goal of confidentiality to be a deterrent to an effective investigation. Parties generally involved in an investigation would include representatives of the Workforce Services Department, the Legal Department and the affected operations unit. The Legal Department will make the determination of whether illegal harassment or retaliation has occurred. Once an investigation has been completed, a report of the findings accompanied by proposed action will be forwarded to the supervisor/manager of the alleged harasser for review and consideration. If the investigation reveals that the complaint of harassment is valid, prompt disciplinary action will be taken.

A timely resolution of each complaint will be reached and communicated to the complaining employee.

V. DISCIPLINARY ACTION

Disciplinary action for any type of inappropriate or offensive conduct will fall under normal Positive Performance Management guidelines. A valid complaint of conduct that does not result in separation from employment will be considered a significant event in the annual performance review of the employee determined to have engaged in the inappropriate or offensive behavior.

VI. RETALIATION

The City prohibits retaliation of any kind against employees who in good faith, report harassment and/or discrimination or assist in investigating such complaints. If an employee feels he/she has been subjected to any form of retaliation the employee should report that conduct to his/her immediate supervisor, another member of management or the Workforce Services Director within three (3) calendar days of the offense.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: CODE OF ETHICS

REFERENCE NUMBER: 21

I. STATEMENT OF PURPOSE

It is the policy of the City of Carrollton to demand, promote and uphold the highest ethical standards from all of its employees. The city requires employees to perform their duties properly according to policies, procedures, laws and in a manner that will enhance the credibility of the city organization. All employees at all levels of the organization should maintain the highest concern for personal integrity and honesty in carrying out their public duties and upholding the public trust.

The purpose of this policy is to provide a set of ethical guidelines for all City of Carrollton employees to use to assess whether their actions are proper and will contribute to creating a positive image for both the individual and the organization.

II. DEFINITION

A. EMPLOYEE - means any person employed by the city, including those individuals on a full-time, part-time, seasonal, or temporary basis. The term shall not apply to any independent contractor.

III. PERSONAL CONDUCT

Employees will not be involved in any dishonest or criminal act or engage in any other conduct that could discredit the city. Actions or conduct that could discredit the city include but are not limited to public displays, negative or inappropriate social media posts or any other action that could be perceived negatively by the public. Employees will take care to follow all

Administrative and Financial Directives of the city.

Employees will always maintain accurate records and documents and will never tamper with or falsify any documents of any kind. Except as provided by laws and regulations, employees will not destroy any records or documents.

IV. PARTICIPATION IN LOCAL POLITICAL ACTIVITIES

Employees are encouraged to be good citizens and participate in the political process as *private citizens*. However, employees should never use their position as a city employee to actively campaign for or against political issues or candidates. Employees should not use working hours or city property to promote candidates or receive donations for political campaigns nor should employees circulate petitions or distribute campaign literature while on duty or while wearing any clothing or other identifications that could create an image that they are representing the official position of the city of Carrollton. If an employee considers accepting or running for election for any public office that could in any way result in a direct conflict of interest with their position with the City of Carrollton, they should seek guidance from their supervisor/manager before undertaking the campaign.

V. CONFLICT OF INTEREST

Employees should be careful not to become involved in any conflict of interest involving their position and any non-City of Carrollton activities. Some examples of this would be employment with another business that might do business with the City of Carrollton, have an interest in a contract with the city, or use privileged information gained through their association with the City of Carrollton for personal benefit. Conflicts of interest are often difficult to determine. If an employee believes an outside job, business association or any other activity might create a conflict of interest the employee should discuss the issue with their supervisor/manager and/or the City Manager prior to undertaking the activity.

VI. GIFTS

Employees will not accept any gifts, favors, services or thing of value that could reasonably tend to influence them in the discharge of their official duties. However, this guideline is not meant to prevent the acceptance of an infrequent-non-monetary gift, such as a meal with a value of less than \$50, products or items to be used in an officially recognized activity of the City of Carrollton such

as United Way fund raising or department sponsored services. Also personal gifts given by co-workers in recognition of special milestones in an employee's life, such as the birth of a child, graduation and illness are not improper.

VII. CITY VEHICLES AND PROPERTY

Employees should not use city vehicles, property or services to conduct or perform personal business. An example of this would be to use a city provided vehicle to haul an appliance from a store to the employee's home. City tools and equipment should never be used to perform personal work.

VIII. REPORTING TO THE PUBLIC AND CONFIDENTIAL INFORMATION

Employees providing any type of reporting to management, the city council or public for developing policy alternatives should report facts, activities, programs and financial results in a complete, truthful and balanced manner, providing recommendations that include a variety of options for decision makers.

IX. OUTSIDE EMPLOYMENT

The City of Carrollton is the primary employer for all full and part-time employees. Employees wishing to work another job with another employer must have the secondary position reviewed and approved by department supervision/management to assure that there is no conflict of interest and that the employee's ability to perform for the City of Carrollton will not be impaired.

X. REPORTING IMPROPER BEHAVIOR

The actions of one employee impact the credibility of all other employees either in a positive or negative manner. Employees should always strive to conduct themselves in a positive manner. If an employee is uncomfortable with any decision or contemplated action, he/she should seek guidance regarding the propriety of the action. Similarly, if employees become aware of known or suspected wrongdoing on the part of another employee they should report that action or activity to their supervisor/manager, the Workforce Services Department or the City Manager's Office immediately.

XI. ETHICS SELF-CHECK

Employees should be mindful that perception can supersede reality and they should avoid anything that gives the appearance of improper conduct. Below are

these questions which can provide guidance to individuals confronted with an ethical dilemma.

- Would I be embarrassed if my family or friends learned of my actions?
- Would I be embarrassed to have the public hear about my actions through news reports? How would the situation look for me and the city?
- If asked why I acted in a certain way, would I have to pause to think of a justification for my action? How would I feel about myself?

If the answer to any of the questions is “Yes” or “Not very good” then the employee should seek guidance from their supervisor/manager or perhaps Workforce Services to determine if the action is proper and would bring credit to themselves and the City of Carrollton.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: WORKPLACE VIOLENCE PREVENTION

REFERENCE NUMBER: 22

I. STATEMENT OF PURPOSE

The City of Carrollton is committed to ensuring a safe working environment and to reducing the risk of violence for all employees. Violence or the threat of violence has no place in any of the City's work locations. It is a shared obligation of both management and employees to assist in establishing, preventing, and maintaining a violence free work environment. The City of Carrollton will not tolerate any conduct or behavior, whether intended as joking or not, that is found to be threatening, intimidating, or coercive.

II. APPLICABILITY

This administrative directive applies to all City of Carrollton employees.

III. DEFINITIONS

A. VIOLENT BEHAVIOR in the workplace includes, but is not limited to:

1. Causing physical injury to another person or attempting to cause physical injury to another person;
2. Possession of a weapon, as defined by the penal code, on one's person while on city property or while on city business (this includes those employees with concealed weapons permits) unless properly authorized by the city such as licensed peace officers who routinely conduct investigations and/or make arrests;
3. Aggressive or hostile behavior which creates a reasonable fear of injury to another person or subjects another individual to emotional distress;

4. Making threatening remarks expressing intent to do harm to another person and/or making veiled threats of physical harm or similar intimidation;
 5. Surveillance without proper authorization;
 6. Stalking;
 7. Intentional damage, destruction, or threat of destruction of city property, the property of another employee, or any person's personal property;
 8. Acting in a hostile manner, expressing unusual agitation or excitement which may be accompanied by incoherent and/or irrational behavior or harassment;
 9. Expression of suicidal or homicidal intent or thoughts.
- B. **EMPLOYEE ASSISTANCE PROGRAM (EAP)** - is a program provided through the City's mental health benefit.
- C. **WORKPLACE VIOLENCE RESPONSE TEAM** - is the team responsible for the coordination with the City's E.A.P. provider in the event of an incident and for establishing response procedures.

IV. GENERAL GUIDELINES

Reporting Guidelines: It is a matter of first priority that law enforcement officials be notified as soon as possible of any situation that has the potential for immediate danger to the safety of an employee or any other person. Such situations may include, but are not limited to:

- A. Causing, attempting to cause, or expressing intent to cause immediate physical harm to another person;
- B. Possession of a weapon on city property without proper authorization;
- C. Intentional destruction or threat of immediate destruction of city property or another person's personal property.
- D. Any potentially dangerous situation must be reported immediately to a supervisor, Department Director, and Workforce Services. Reports should be made regardless of whether the potentially dangerous person is a co-worker or a non-employee. Reports or incidents warranting

confidentiality will be handled appropriately. Supervisors are required to document all threats, innuendos, or perceived threats as they are reported. All reports will be investigated administratively or, where appropriate, a criminal investigation will be initiated.

V. GENERAL INFORMATION

- A. While employees are not expected to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform a Supervisor, Manager, Director, or Director of Workforce Services if any employee exhibits behavior that could be a sign of potentially dangerous situations. Such behavior may include:
1. Making threatening remarks;
 2. Discussing weapons and bringing them to the workplace;
 3. Displaying overt signs of extreme stress, resentment, hostility, anger, or irrational inappropriate behavior;
 4. Sudden or significant deterioration of performance.
- B. **ENFORCEMENT:** Threats, threatening conduct, or any acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. (See Administrative Directive Positive Performance Management) Non-employees engaged in violent acts in or affecting the workplace will be reported to the proper authorities and fully prosecuted. Any threats of potential violence will be taken seriously and investigated and the City will cooperate fully with law enforcement authorities during any criminal investigations.
- C. **ELIGIBILITY FOR REHIRE:** Employees terminated for violating a provision of this policy shall not be eligible for future employment with the City in any capacity.
- D. **EMERGENCY SITUATIONS:** Employees who confront or encounter an armed and dangerous person should not attempt to challenge or disarm the individual. If the employee can contact the police department, emergency assistance, and/or a supervisor without endangering the safety of themselves or others, such notice should be given. The employee should remain calm, cooperate, follow the instructions given, talk to the individual making eye contact, and take all reasonable precautions to protect himself/herself and the lives of others.

E. **WORKPLACE VIOLENCE RESPONSE TEAM:** A workplace violence response team, may include as necessary, but not limited to a member of the Fire Department, the Police Department, Workforce Services Department, Risk Department, and the Community Information Officer, and will be responsible for establishing response procedures. Response procedures will include but are not limited to: issues of security, coordination with the E.A.P. provider in the event of an incident, medical assistance, evacuation plans, and public relations. This team will define the responsibilities for each part of the team as needed and clarify division/department responsibilities with regard to evacuation plans, security issues, and any additional issues that may impact an emergency event or incident.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: DRUG FREE WORKPLACE

REFERENCE NUMBER: 23

I. CATEGORIES OF DRUG/ALCOHOL TESTING

A. PRE-EMPLOYMENT:

Each offer of employment to a person not currently employed by the city shall be conditioned on the passing of a drug test. The city will not hire any applicant not already working for the city that fails to pass or refuses to take the pre-employment drug test.

B. REASONABLE SUSPICION:

A supervisor who has a reasonable suspicion that an employee is under the influence of drugs or alcohol should immediately get another reliable witness to observe the employee's behavior. If the second witness agrees with the suspicion, the following should occur:

1. The supervisor shall document in writing the facts constituting reasonable suspicion that the employee is under the influence of drugs or alcohol.
2. The supervisor shall meet confidentially with the employee to discuss the reasonable suspicion, and note any explanations offered.
3. The employee reasonably suspected of being under the influence of drugs will be required to submit to a drug test; the employee reasonably suspected of being under the influence of alcohol will be required to submit to a breath alcohol test. Both tests will be conducted by medical staff through the city's approved vendor.

C. SIGNIFICANT MOTOR VEHICLE ACCIDENT:

Employees operating a motor vehicle involved in an accident with any claim of personal injury or property damage exceeding \$500 will be required to submit to a drug and breath alcohol test. Non-injury accidents resulting from the employee being rear-ended by another vehicle, at no fault of the employee, will not be required to submit to a drug or alcohol test.

D. DRUG MANAGEMENT JOB RESPONSIBILITIES

Employees who are required to handle/manage drugs as a part of their regular job function (i.e. Property and Evidence Technicians) will be subject to random drug screening as administered by their department as well as upon suspicion that the drugs in custody were tampered with by department personnel.

II. SUPERVISORY RESPONSIBILITIES

In addition to any and all other supervisory responsibilities, supervisors are responsible for the following:

- A. Maintaining a log of all motor vehicle accidents with sufficient information to determine those that are significant motor vehicle accidents.
- B. Arranging for required drug or alcohol tests as soon as possible after becoming reasonably suspicious that an employee is under the influence of drugs or alcohol or after the occurrence of a significant motor vehicle accident. The supervisor must report the employee name and reason for testing to Workforce Services the same business day or the following business day (if after hours) so results can be properly directed upon receipt;
- C. Transporting an employee required to take a drug or alcohol test to and from the medical facility; or to and from a job site to a work facility with a restroom for medical staff to administer testing after hours.
- D. Determining if an employee is in a condition to perform his or her job duties. If not, the supervisor shall arrange for the employee's safe transport to his or her home.

III. CONTINUOUS CALL BACK "ON-CALL" EMPLOYEES

Employees subject to continuous emergency call back (employees who are “on call”) are required to declare to their supervisors at the time they are called out the use of alcohol or controlled substances, including prescribed or over-the-counter drugs, that might affect their ability to perform their job functions during the emergency. The supervisor shall determine if the employee is fit to work and in what capacity.

IV. CONFIDENTIALITY/DOCUMENTATION

Lab results in regards to drug or alcohol testing shall be maintained as confidential medical files and disclosed only in accordance with applicable law.

V. RULES OF CONDUCT

The violation of any of the following rules of conduct constitutes serious misconduct not warranting Positive Performance Management and will result in immediate separation from employment:

- A. Employees shall not be under the influence of alcohol or any controlled substance when reporting to work or in the course of city employment.
- B. Employees shall not possess alcohol or any controlled substances while on duty. Possession of controlled substances or alcohol in a city vehicle, whether on or off duty is prohibited. However a police officer that transports alcohol or controlled substances as part of his/her law enforcement duties is exempt from this rule.
- C. Employees shall not tamper with, or attempt to tamper with, any drug or alcohol test in an attempt to influence the test results.
- D. Employees must immediately report all motor vehicle accidents occurring in the course of employment to their supervisors.
- E. Employees must provide to medical staff, within the timeframe specified by the medical staff, a current valid prescription in the employee’s name for any drug or controlled substance identified by a positive drug screen/analysis.

VI. FEDERAL GRANTS

All employees engaged in the performance of a federal grant are advised that as a condition of their employment with the City of Carrollton they will notify the City of Carrollton of any criminal drug statute conviction for a violation occurring in the work place not later than five (5) days after such a conviction.

The administrator of the grant for the City of Carrollton is obligated by the terms and conditions of federal grants to notify the funding agency within ten (10) days after receiving a conviction from an employee or otherwise receiving actual notice of such conviction.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: DOT DRUG AND ALCOHOL TESTING

REFERENCE NUMBER: 24

I. STATEMENT OF PURPOSE

Effective January 1, 1995, the federal government (Department of Transportation, “DOT”) requires pre-employment, post-accident and random drug and alcohol testing of employees who are required by state law to have a commercial drivers’ license in order to operate certain types of equipment. The purpose of this policy is to establish the procedures for implementing the DOT mandated drug and alcohol testing in the City of Carrollton.

II. SCOPE

This policy applies to all City of Carrollton employees required by the State to possess a commercial drivers’ license in order to operate equipment in the course of their employment.

Nothing in this policy replaces any drug or alcohol testing required by City of Carrollton Administrative Directive – Drug Free Workplace. The requirements of this policy will be in addition to those otherwise required by Administrative Directive – Drug Free Workplace.

III. DEFINITIONS

A. DOT DRUG TEST INCLUDES:

- marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamines.) **NOTE:** The terms “drugs” and “controlled substances” are interchangeable and have the

same meaning.

B. DOT ALCOHOL TEST LEVEL INCLUDES:

- 0.02 to 0.039 – No driver tested under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for an employer, including driving a commercial motor vehicle, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.
- 0.04 or higher – No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

C. DOT ACCIDENT - is an occurrence involving a commercial motor vehicle operating on a public road resulting in:

- A fatality;
- Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
- One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

D. NON-SUSPICION BASED POST-ACCIDENT TESTING - means testing an employee who has been performing safety-sensitive functions:

- If the employee driving the commercial motor vehicle receives a citation for a moving traffic violation arising from the accident; and

- Without regard to whether there is any reasonable suspicion of drug and/or alcohol usage, reasonable cause to believe the employee has been operating the commercial motor vehicle while under the influence of drugs/alcohol, or reasonable cause to believe the employee was at fault in the accident and drug/alcohol usage may have been a factor.
- E. **DISABLING DAMAGE** - includes damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
- F. **NON DOT ACCIDENT** - is defined in Administrative Directive – Drug Free Workplace.
- G. **URINE VOID** - the production of a urine specimen for testing purposes.
- H. **PRIOR EMPLOYER** – Any employer during the two years preceding employment with the City of Carrollton.
- I. “**MRO** – Medical Review Officer, a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual’s confirmed positive test, medical history and other relevant biomedical information.
- J. “**BAT**” – Breath Alcohol Technician, an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device. (Also called a Breath Alcohol Test)
- K. “**CDL employee**” – an employee who operates equipment for which the State of Texas requires a commercial drivers’ license.
- L. **SAFETY INTENSIVE FUNCTION**
- time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - all driving time;
 - all time, other than driving time, spent in or on any commercial motor vehicle, including legally parked vehicles;

- all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading of a vehicle;
- all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;
- time at work waiting to be dispatched.

IV. GENERAL PROVISIONS

The City of Carrollton will conduct DOT drug/alcohol testing in accordance with DOT procedures and guidelines. The City of Carrollton will contract with an entity that is responsible for complying with DOT procedures with regard to the collection, analysis and communication of drug and alcohol tests.

Consequences of a positive DOT test – Positive results on any DOT drug or alcohol test will result in immediate removal from the workplace, separation from employment (in accordance with the Drug Free Workplace Administrative Directive) and immediate notification to the Department of Transportation.

V. ALCOHOL PROVISIONS

A. Alcohol use that could affect performance of a safety-sensitive function is prohibited, including:

- use while performing any safety-sensitive function;
- use of alcohol four hours before performing safety-sensitive functions;
- reporting for work or remaining on the job to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater;
- possession of alcohol, including the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is not broken;
- use of alcohol for eight hours following an accident, or until the employee undergoes a post-accident test;
- refusing to take a required test.

Employees will be required to submit to a breath alcohol test using an evidential breath testing (EBT) device in accordance with DOT procedures and guidelines.

VI. DRUG PROHIBITIONS

Drug use that could affect performance of a safety-sensitive function is prohibited, including:

- the use of any drug, unless by prescription, and only if the doctor has advised the employee that the drug will not adversely affect the driver's ability to safely operate equipment;
- testing positive for drugs;
- refusing to take a required test.

VII. DRUG TESTING PROCEDURES

- A. Drug testing shall be conducted in accordance with DOT guidelines.
- B. For pre-employment and post accident drug tests, two separate urine voids will be required.

VIII. ALCOHOL TESTING PROCEDURES

- A. Alcohol testing shall be conducted in accordance with DOT guidelines.
- B. Employees shall cooperate in any confirmation testing required following an initial positive test result as determined by the BAT.

IX. PRE-EMPLOYMENT TESTING

- A. An individual who has been offered employment with the City of Carrollton in a position requiring operation of equipment for which the State requires a commercial drivers' license shall submit to drug and alcohol testing under this policy and under City of Carrollton Administrative Directive – Drug Free Workplace.

- B. Any offer of employment is contingent upon negative drug and alcohol test results under this policy and under City of Carrollton Administrative Directive Drug Free Workplace.
- C. Prior to a job offer, the City will request all previous employers within the last two years to provide information on whether the applicant has tested positive for or refused to be tested for a DOT drug screen and whether the applicant has had a breath alcohol test with a concentration of 0.04 or greater or has refused to take an alcohol breath test.
- D. No applicant shall be hired until the information required above is received.
- E. An inquiry will be conducted into the applicant's prior driving record during the preceding 3 years.
- F. An investigation of the driver's employment record may be conducted, upon request from the hiring department.
- G. No applicant whose prior employer reports a positive drug test, a refusal to test for drugs or alcohol, or an alcohol test with a breath alcohol concentration of 0.04 shall be hired by the City of Carrollton.

X. RANDOM TESTING

- A. Random drug and alcohol testing shall be conducted in accordance with applicable federal regulations.
- B. Selection of drivers for random testing shall be made by a scientifically valid method, in accordance with FHWA guidelines.
- C. The Workforce Services Department will be responsible for maintaining the database to be used for random selection. The Workforce Services Department will decide when to conduct random testing to maintain confidentiality.
- D. Under the selection process, each driver shall have an equal chance of being tested **each time selections are made**. The possibility exists that a driver could be tested each time a random test is conducted.

E. Drivers selected for random testing shall proceed immediately to the testing upon notification and as directed by the Workforce Services Department.

F. ALCOHOL TESTING:

1. Random alcohol testing shall be administered at a rate determined by the FHWA.

G. DRUG TESTING

1. Random drug testing shall be administered at a rate determined by the FHWA.

2. The mandatory random testing percentages may vary as determined by the Federal Highway Administration.

3. Random drug testing may be performed at any time while the driver is at work and is not contingent upon performing safety-sensitive functions. (Example: a driver may be performing clerical or mechanical repair duties on the date of the test and still be tested.)

4. In the event a driver, who is selected for a random test, is not at work that day, they may be required to test the next day upon return to work or may be skipped in that particular round of testing.

XI. REASONABLE SUSPICION TESTING

A. Drivers shall submit to an alcohol or drug test when the employer has reasonable suspicion to believe the driver has violated the prohibitions contained in this policy.

B. Reasonable suspicion is based upon specific, contemporaneous observations concerning the appearance, behavior, speech or body odors of the driver.

C. Two supervisors shall each make a determination of reasonable suspicion, shall record their observations in writing (one document will suffice with both supervisors' signatures) and shall notify the Workforce Services Department prior to the administration of a drug or alcohol test under this section.

D. REASONABLE SUSPICION ALCOHOL TESTING:

1. Alcohol reasonable suspicion testing may be conducted any time two supervisors have written observation.
2. The mere possession of alcohol does not in and of itself constitute reasonable suspicion under this policy. However, possession of alcohol in the work place is a violation of City of Carrollton Administrative Directive – Drug Free Workplace.
3. A reasonable suspicion alcohol test shall be conducted within 2 hours of the observations of reasonable suspicion. Employees will be required to take a breath alcohol test, through a designated vendor.
4. If the test is not conducted within 2 hours, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not administered within the 2 hours.
5. No alcohol reasonable suspicion test shall be conducted later than 8 hours following the reasonable suspicion observations. The supervisor shall document the reasons that no alcohol test was conducted.

E. REASONABLE SUSPICION DRUG TESTING:

1. Documentation of reasonable suspicion causing a drug test shall be prepared and signed by the two supervisors within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. On urine analysis drug tests, the sample is split in two. The first sample will be analyzed using DOT procedures and guidelines. The second sample will be analyzed under City of Carrollton Administrative Directive – Drug Free Workplace.

XII. POST ACCIDENT TESTING

- A. For any accident meeting the DOT's definition of accident, a DOT drug test and alcohol test will be required. The Risk Department and the Workforce Services Director or their designee will make the decision as to whether the accident meets the DOT definition.

- B. Post accident alcohol testing will occur within two hours of the accident. If an accident occurs during inclement weather, post-accident testing may be conducted no later than 24 hours after the accident.
- C. Documentation of the time of the accident, the facts that caused the accident to be within the DOT definition of accident, and the time the employee is transported for testing shall be the responsibility of the Risk Department and the Workforce Services Director or their designee.
- D. As in City of Carrollton Administrative Directive – Drug Free Workplace, after the test has been conducted, if there is no other reasonable suspicion other than the accident, the supervisor should send the employee back to work.

XIII. EMPLOYEE RESPONSIBILITIES

- A. All employees must report accidents immediately to their supervisor in accordance with City of Carrollton Administrative – Drug Free Workplace; in addition, if the accident involves a CDL driver, the employee must report that the accident involved a CDL driver.
- B. Employees will cooperate with the appropriate staff personnel to provide information necessary to determine whether an accident meets the DOT definition of accident.
- C. In the event that the Medical Review Officer (MRO) requires additional information, employees will cooperate providing any information necessary to make any determination under the DOT regulations.

XIV. SUPERVISOR RESPONSIBILITIES

- A. It is the supervisor's responsibility to consistently enforce this policy. A supervisor who knowingly permits a violation of this policy by employees under his/her direct supervision shall be subject to disciplinary action up to including termination.
- B. It is the supervisor's responsibility to notify employees that they cannot consume alcohol for eight hours following an accident, or until the employee undergoes a post-accident test.

- C. It is the supervisor's responsibility to ensure that employees proceed immediately to the testing site upon notification to the Risk Department of an accident.
- D. After the drug or alcohol test, it is the supervisor's responsibility to make a determination whether an employee can drive home or not in accordance with City of Carrollton Administrative Directive – Drug Free Workplace.

XV. CONFIDENTIALITY AND DOCUMENTATION

All forms and documentation regarding DOT testing will be handled and maintained confidentially, in accordance with Workforce Services procedures and federal regulations. Inappropriate disclosure of information regarding DOT testing will result in disciplinary action.

XVI. PROHIBITED ACTS

Notifying any employee in advance of a random drug test or the date of a random drug test is prohibited and shall be considered Serious Misconduct under the Positive Performance Management.

If a positive result is reported from a DOT random test, the City of Carrollton will consider the employee to have violated the Positive Performance Management Administrative Directive (“serious misconduct”) and shall result in immediate removal from the workplace and separation from employment.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: USE OF CITY VEHICLES

REFERENCE NUMBER: 25

I. DEFINITIONS

- A. TAKE HOME VEHICLE - is any vehicle that is owned, leased, rented or otherwise under the care, custody or control of the City and is taken from the City premises after normal working hours to remain in "home storage" overnight for the use of a City employee or authorized representative for a bona fide city purpose.
- B. BONA FIDE CITY PURPOSE - is conducting official city business only. Bona fide city purpose does not include personal use or assignment of a take home vehicle as a benefit or as compensation.
- C. TAX LIABILITY - an employee who has a non exempt take home vehicle will have an assessment, as set by the Federal government each year, added to their taxable income for each day of use. This assessment will only be added for the days the vehicle is used, not to include vacation, sick leave or holidays. The assessed amount is added to the employee's taxable income only for the purpose of calculating the tax liability. The employee assigned the use of a non-exempt take home vehicle will be responsible for the tax on the assessed amount.
- D. ASSIGNMENT/REPORTING REQUIREMENTS FOR TAKE HOME VEHICLES - individuals that are to be assigned a take home vehicle, whether for daily use or an on call basis, must be approved by the City Manager or appropriate Assistant City Manager.

II. PROCEDURES

- A. Department Directors/Division Managers will prepare a written request for the City Manager which will indicate the individuals to be assigned vehicles, the length of the assignment, the location of home storage, the vehicle type and number and a bona fide city purpose for each assignment. This request will be reviewed annually by the Department Director/Division Manager and resubmitted to the City Manager's Office for approval. This request will be accompanied by an acknowledgement form signed by the employee acknowledging having read and received this policy.
- B. After obtaining approval from the Department Director and the City Manager the Division Manager will forward copies of the approved request to Accounting. Accounting will be considered the primary repository for the take home vehicle records and will be responsible for initiating the annual re-approval process (generally October 1st).
- C. For security purposes all records for Police undercover vehicles will be maintained in the Police Department following approval by the Assistant City Manager.
- D. If the vehicle that is assigned is not exempt, the employee to whom it is assigned will incur the tax liability described above.
- E. For each pay period, the number of one-way commutes incurred for an employee assigned a vehicle that is not exempt should be reported to Accounting.
- F. Once an on-call assignment has been approved by the City Manager, new requests are necessary only when changes in status (i.e. new employee, reorganization of duties, employee moves, etc.) occur or as part of the annual review.

III. GENERAL PROVISIONS

- A. City vehicles are to be used for conducting official city business. Employees have no expectation of privacy in city vehicles.
- B. Employees authorized to take a vehicle home must drive the vehicle to and from work by the most direct route, without any deviation. The location of home storage for a City vehicle may not be further than 15 miles from the City limits unless approved in writing by the City Manager. Vehicles must be lawfully parked off the street.

- C. The use of City take home vehicles by non-employees is not allowed.
- D. The personal use of take home vehicles is not allowed. Any deviation from the direct route to and from work to conduct personal business will be considered personal use and not be considered in the course and scope of employment. An exception to this rule is marked fire vehicles used by fire officials who typically respond to fire emergencies.

Use of the City vehicle for going to and from lunch should only be done when it is a consequence of a bona fide City purpose, there is no other alternative, and it is approved by the department head. As an example: employees working in the field, with no reason to return to their work base, are allowed to go to lunch in their assigned vehicle.

- E. If an accident occurs while taking a vehicle home, the employee and their supervisor shall follow Administrative Directive: Accident Investigation and Reporting.
- F. City employees involved in accidents while not in the “course and scope of employment” are responsible for all liabilities arising from the accident.
- G. Employees and supervisors who fail to comply with the requirements of this policy will be subject to Positive Performance Management.
- H. Use of a hand-held, mobile device while operating a city vehicle is prohibited.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: MOTOR VEHICLE SAFETY

REFERENCE NUMBER: 26

I. STATEMENT OF PURPOSE

The purpose of this directive is to establish guidelines covering minimum standards for the qualification of employees driving/operating City vehicles/motorized equipment in order to minimize the risk of accidents. Specifically, only those persons with appropriate licenses and acceptable driving records shall be permitted to drive/operate City vehicles/motorized equipment. This directive is not intended to conflict with or supersede any provision in Chapter 143 of the Texas Local Government Code.

II. APPLICABILITY

This directive shall apply to:

- A. City employees driving/operating City owned, leased, borrowed or rented vehicles / motorized equipment;
- B. City employees receiving a monthly car allowance;
- C. City employees receiving mileage reimbursement for use of the employee's personal vehicle while conducting City business

III. DEFINITIONS

- A. CITY VEHICLES - shall mean any owned, leased, borrowed, or rented passenger car, pickup, truck, or other similar type vehicles. A City vehicle shall also include vehicles driven by employees receiving a monthly car allowance or employee-owned vehicles driven while conducting City

business.

- B. **MOTORIZED EQUIPMENT** - shall include, but is not limited to, backhoes, dozers, mower-tractors, loaders, graders, and other similar operational equipment. **Riding mowers and golf carts, are not authorized to be operated on city streets, and therefore are not considered motorized equipment or a city vehicle.**
- C. **HABITUAL VIOLATOR** - is a person who has four (4) or more convictions that arise out of different transactions within twelve (12) consecutive months; or seven (7) or more convictions that arise out of different transactions in twenty-four (24) months.
- D. **PREVENTABLE ACCIDENT** is any accident involving a City vehicle which results in property damage and/or personal injury, (regardless of who was injured, what property was damaged, or where it occurred), in which the driver in question failed to exercise every reasonable precaution to prevent the accident. Preventability shall be determined, following a review of all pertinent accident information, by the Risk Department.
- E. **CHARGABLE ACCIDENT** - is any preventable motor vehicle collision reflected on the driving record.
- F. **MINOR ACCIDENT** - is a vehicle accident where the total incurred property damage is **\$500 or less**, and in which no bodily injury to either a third party or a City employee is incurred.

IV. GENERAL PROVISIONS

- A. All applicants/employees who are required by the specific description of their jobs to drive/operate City vehicles/motorized equipment shall be subject to periodic audits of their current driver's licenses and driving records upon hire and at least annually by the Risk Department.
- B. Everyone in City vehicles or in any vehicle conducting City business will wear a seatbelt.
- C. Only City employees may drive/operate City vehicles/motorized equipment.
- D. Employees who are required by the specific description of their jobs to drive/operate City vehicles/motorized equipment shall report **any** and **all** traffic citations, convictions, moving violations, license suspensions and/or

revocations, whether incurred on or off the job, to their immediate supervisors within thirty (30) days of incident.

- E. Employees may be removed from positions where their specific job description requires operation of City vehicles/motorized equipment and may be subject to other disciplinary actions in accordance with Positive Performance Management directive for:
- failure to report traffic convictions, moving violations, license suspensions and/or revocations; or
 - failure to maintain the required driver's license;
 - or failure to meet minimum driving record criteria
 - habitual violator per Driver Responsibility Program (refer to end of directive)

V. MINIMUM QUALIFICATIONS OR STANDARDS FOR DRIVING OR OPERATING PRIVILEGES

Employees who drive/operate City vehicles/motorized equipment in the course and scope of their employment shall be required to meet and uphold the following minimum qualifications/standards in order to meet/maintain eligibility for driving/operating privileges.

- A. Before beginning work in the position, the employee must possess a current, valid Texas driver's license that is not under suspension or revocation in the appropriate class as established on the official job description for that position.
- B. The employee must have attained the age of eighteen (18). Individuals under the age of 18 may operate golf carts.
- C. The employee may not be a habitual violator of traffic laws as defined by the State Motor Vehicle Laws;
- D. The employee may not have a conviction within the past three (3) years of any of the following:
1. Driving Under the Influence, (DUI);
 2. Driving While Intoxicated (DWI);
 3. any other alcohol or substance related driving offense;
 4. a "Hit and Run";
 5. "Failure to stop, render aid, and disclose I.D. at the scene of an accident"; and/or

6. Negligent Manslaughter involving a motor vehicle accident.

EXCEPTION: Action under this section of the directive is predicated on evidence of conviction. An employee who has been charged with an offense listed above in this directive, but who has not been convicted or entered a plea of guilty or not guilty, shall **not** be automatically disqualified from all driving/operating privileges.

Pending the outcome of the charge under this section, the affected employee **may** be allowed to continue to drive City vehicles following a review of the employee's overall work performance and safety record **and** a consultation with the employee by the Department Director. Approval to allow the affected employee to retain driving/operating privileges shall be with the concurrence of the Risk Department **and** provided the Department is **not** able to place the affected employee in a non-driving/operating position.

Should the charge result in conviction, (even if probated), the affected employee shall be ineligible for driving/operating privileges and may be subject to termination.

7. The employee must be physically qualified to hold a driver's license and to safely drive/operate a motor vehicle/motorized equipment; and
8. The employee must be insurable under the City's automobile insurance.
9. The Risk Department will determine eligibility for employees to operate City vehicles/motorized equipment based on the "DRIVER RESPONSIBILITY PROGRAM."
10. An employee, who has been ruled ineligible (unacceptable) for driving privileges may use a defensive driving course option only once every three (3) years in order to have his/her eligibility status reinstated.
11. Per Texas Code of Criminal Procedure, Art. 45.0511

You must complete the driving safety course AFTER the traffic violation, and dismiss only one charge for each completion of a course. You are allowed to dismiss only one traffic violation every 12 months with a TEA-approved driving safety course.

VI. AUDIT OF EMPLOYEE DRIVING RECORDS

For employees who are authorized to drive/operate City vehicles/motorized equipment or employees who receive mileage reimbursement for using a personal vehicle while conducting City business, an audit of employee's driver's licenses and driving records will be performed by the Risk Department at least once each year. The following procedures will apply:

- A. Risk will obtain a Motor Vehicle Record (MVR) on each employee annually. Applicants will also be subject to an (MVR) check prior to employment in positions where the job requires operation of City vehicles/motorized equipment.
- B. When the employee's driving record does not comply with the provisions of this directive, the Division Manager and/or Department Director shall meet with the employee to discuss the results of the MVR and to take appropriate action in those instances.
- C. All employees who drive a privately owned vehicle on city business are required to maintain auto liability insurance as required by state law. The employee's policy will be considered primary in the event of an accident while driving an employee-owned vehicle.

VII. RESULTS OF LOST DRIVING/OPERATING PRIVILEGES

Employees who cannot drive/operate City-owned, leased, borrowed, or rented vehicles/motorized equipment due to their driving record may be:

- A. Assigned non-driving responsibilities within the employee's respective department if available; or
- B. transferred to another department and assigned non-driving responsibilities if available; or
- C. Separated from employment if neither of the above alternatives can be achieved within **ten (10) working days from the date the employee was determined ineligible for driving privileges.**
- D. Should an employee who receives a car allowance or mileage reimbursement become ineligible for driving privileges, that employee shall have his/her car allowance revoked and shall not be permitted driving privileges for the purpose of conducting City business until such time that the employee meets the minimum driving record criteria and is eligible for reinstatement of driving.
- E. **"Minor accidents"** shall be treated, if determined preventable, in accordance with Administrative Directive: Positive Performance Management.

DRIVER RESPONSIBILITY PROGRAM

This program establishes a system that assesses points based on certain traffic offenses and also based upon accident/incident reports determined to be preventable.

Points are assigned as follows:

- (1) three points for a moving violation of the traffic law of this state or another state that is not described by Subdivision (2); and
- (2) three points for a moving violation of the traffic law of this state, another state, or a political subdivision of this or another state that resulted in an accident; and
- (3) three points for a preventable accident which is any accident involving a City vehicle which results in property damage and/or personal injury, (regardless of who was injured, what property was damaged, or where it occurred), in which the driver in question failed to exercise every reasonable precaution to prevent the accident. Preventability shall be determined, by the Risk Manager and/or designated Safety Officer or a Fleet Accident Review Board. City vehicles include employee-owned vehicles driven while conducting City business. and
- (4) four points for a chargeable vehicle accident.

ACCEPTABLE 3 or fewer points	CONDITIONAL 6 or fewer points	UNACCEPTABLE 7 or more points
Less than 2 moving violations in the last <u>three years</u> ;	2 moving violations in the last <u>three years</u> ;	3 or more moving violations in the last <u>three years</u> ;
Less than 2 preventable accidents in the last <u>two years</u> .	2 preventable accidents in the last <u>two years</u> .	3 or more preventable accidents in the last <u>two years</u> ;
	1 chargeable vehicle accident within the past <u>two years</u> .	2 chargeable vehicle accidents within the past <u>two years</u> .
	1 moving violation and 1 preventable accident in the past <u>three years</u>	Any combination of 3 or more: moving violations or preventable City vehicle accidents within the last <u>three years</u>

Recommended Action		
<p>MVR Check at hiring and annually thereafter</p> <p>Check Ride at supervisor's discretion</p>	<p>Verbal counseling concerning responsibilities while driving organizational vehicles; and/or</p> <p>Semi-annual MVR review and check ride with supervisor; or</p> <p>Quarterly MVR review, insurance verification, and check ride with supervisor.</p>	<p>7+ points: Written counseling and required attendance at approved defensive driving course.</p> <p>Driving privileges are suspended; or modified duty; or termination at department's discretion.</p>

All vehicle collisions listed on the driving record shall be considered "**chargeable**" unless otherwise stated on the record or unless the applicant can provide evidence to show that the accident was non-chargeable. Rulings on charge-ability will be made by the Risk Manager.

A **preventable accident** is, any accident involving a City vehicle/equipment, which results in property damage and/or personal injury and the driver in question failed to exercise every reasonable precaution to prevent the accident.

The employee/applicant may not have a conviction within the past three (3) years of any of the following: DUI, DWI, any other alcohol-related driving offense, a "hit and run", "failure to stop", and negligent manslaughter.

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

Per Texas Code of Criminal Procedure, Art. 45.0511

You must complete the driving safety course AFTER the traffic violation, and dismiss only one charge for each completion of a course. You are allowed to dismiss only one traffic violation every 12 months with a TEA-approved driving safety course.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: ACCIDENT INVESTIGATIONS/REPORTING

REFERENCE NUMBER: 27

I. PROCEDURES

- A. All accidents involving City owned, leased, rented, or personal vehicles used to conduct City business and/or automotive equipment shall be **immediately** reported to the driver's/operator's supervisor, regardless of the severity of damage and/or injury. All required accident reports will be completed. If the employee involved in the vehicle accident is physically unable to contact his/her immediate supervisor due to injuries or needed medical treatment, then the Police Department should be requested to contact the appropriate department supervisor.
- B. All vehicle accidents involving collision with other vehicles and/or resulting in damage to property owned by other parties shall be reported to the Police Department in the jurisdiction where the accident occurred.
- C. All accidents and traffic violations shall be immediately reported by the employee to his/her immediate supervisor.
- D. If a City employee is injured as a result of an accident, refer to either Administrative Directive – Disability or Workers' Compensation, concerning employee injuries and the reporting of such.
- E. In all vehicle accidents involving other vehicles and/or resulting in damage to property owned by other parties, the City driver shall contact the local Police Department immediately and shall not leave the accident scene. The employee may not move the City vehicle or his/her personal vehicle

(whichever is applicable) until the Police arrive at the scene of the accident **UNLESS** there exists a potential hazard to life, health, or traffic.

- F. City employees involved in motor vehicle and/or automotive equipment accidents may discuss the accident only with the investigating Police Department or management of the City of Carrollton. The driver may give his/her name, driver's license number, insurance policy information and employer's name to the driver(s) of the other vehicle(s) involved.

NOTE: THE EMPLOYEE SHALL NEVER ADMIT LIABILITY AT THE TIME OF THE ACCIDENT.

- G. The department supervisor, upon notification of the vehicle accident, will immediately advise the Risk Department.
- H. The employee's supervisor shall conduct an investigation of the accident and complete the supervisor's **Investigation of Vehicle Accident Report**, sign, and forward to the Risk Department within forty-eight (48) hours of the date of the accident.
- I. The Risk Department will file all necessary insurance reports.
- J. The Risk Department will conduct an on-site investigation under the following circumstances:
 - 1. Any automobile/vehicle accident resulting in serious bodily injury, and/or
 - 2. Any automobile/vehicle accident resulting while an employee was driving his/her personal vehicle while conducting City business and the accident results in major property damage within the Carrollton city limits.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: USE OF TECHNOLOGY RESOURCES

REFERENCE NUMBER: 28

I. PURPOSE/SCOPE

This directive applies to all employees who use or operate City of Carrollton-provided technology resources. The purpose of the directive is to ensure consistency in the use of technology resources throughout the City organization, as well as that all information technology systems and information is safe and secure and used in an efficient effective manner. Consistency and security in use will ensure the quality of electronic communications, enhance the efficiency of workflow, prevent copyright infringements, and support operational sustainability by reducing costs. This directive does not modify or replace any other laws, City policies, or directives related to Records Retention, HIPAA, PCI compliance, confidentiality, or privacy.

II. DEFINITIONS

A. Technology: Any equipment, software, or access provided by the City of Carrollton for employee use including voice and data and related equipment and access.

III. EMPLOYEE RESPONSIBILITIES

Technology provided by the City of Carrollton as a part of your employment must be used providing accountable and transparent stewardship of the resources entrusted to you as follows:

A. Must not stream audio or video, install software, or download files except for City business use.

- B. Must not use in a manner that does not comply with City of Carrollton Administrative Directive 20 for standards of conduct for Harassment or Discrimination.
- C. Must not be used for work outside of the City unless specifically authorized in writing. An example of authorized outside work is volunteer work for a professional organization which would be reviewed on a case by case basis.
- D. Use in any criminal activity is strictly prohibited.
- E. Must not attempt to circumvent auditing, security, or monitoring procedures and software, implemented by the City of Carrollton including technology service vendors.
- F. Must use a unique confidential password that meets current systems standards and not be shared with anyone. Employees are accountable for all activity that takes place under their individual login accounts.
- G. Must save electronic data onto City provided networked secure storage systems.
- H. Must use PIN or Password lock on all (personal and City provided) mobile devices used to access City of Carrollton network or email.
- I. Must not purchase, install, or use technology for City business that has not been approved in advance by the City of Carrollton thorough established procedures and processes for procurement, use, and technology deployment.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: UNIFORMS

REFERENCE NUMBER: 29

I. STATEMENT OF PURPOSE

It is the expectation of the City of Carrollton that all employees maintain a clean and neat appearance while on duty. The City of Carrollton provides uniforms to those employees who are at significant risk of damaging their own clothing as a result of performing work for the City. It is also the desire of the City to provide the uniforms that will present a positive image to the public and that will identify the employee as a City of Carrollton employee.

II. APPLICABILITY

- A. Employees of the Police and Fire Departments as well as Animal Control Officers in Environmental Services will wear the specific uniforms provided by the respective departments as opposed to uniforms indicated in this directive.
- B. This directive applies to all positions as designated by the department directors.
- C. Each department director may determine whether supervisors are required to wear uniforms within their respective department.
- D. This directive does not specify items that are considered required safety equipment. A listing of City positions that require the employee to wear safety equipment is prepared and maintained by the Risk Department. Department Directors should consult the Risk Department to inquire whether specific positions require the employee to wear safety equipment.

- E. Supervisors may determine whether clothing and/or uniform are appropriate and in good condition for work.

III. PROCEDURES

- A. Employees working in positions for which uniforms are required are expected to clean and wear their uniforms on each scheduled work day/shift, and when possible, when working in an on-call, callback, or emergency assignment.
- B. At the point of hire, uniforms previously turned in by exiting employees will be issued to new employees, if available.
- C. Uniforms will be replaced on an as needed basis. All damaged uniforms must be turned in before a new garment is issued to replace the damaged garment.
- D. In the event an employee misplaces any part of his/her uniform; the garment will be replaced at the employee's expense.
- E. All departments are required to order uniforms from the bid awarded vendor, using the order form found on the CNET.
- F. Safety boots will be provided for designated positions. Boots will be replaced on an as needed basis as determined by supervisors. Risk Management will establish specifications for safety boots.
- G. The city will provide city logo caps. No other "logo" headgear will be allowed. An employee may wear other type hats (western etc.) at their own expense provided they do not have any other logo.

IV. EXCEPTIONS

- A. Exceptions to the standard field employee uniform will be considered for enterprise functions with appropriate industry-specialty environment requirements.

V. NON-UNIFORM LOGO CLOTHING

- A. Employees may wear non-uniform clothing bearing the current City logo if that clothing is obtained through the City. Clothing bearing the City logo that has not been purchased through the City may be worn with prior supervisory approval.

- B. SPECIALTY ITEMS - Departments are required to get quotes when ordering specialty items (items that are non-uniform) in order to get the lowest price.

- C. LOGO APPEARANCE - The City logo should only appear in black, white, or black text with color pinwheel as specified in the Guidelines for Use found through the Logos & Forms button on CNET.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: ABSENTEEISM/TARDINESS

REFERENCE NUMBER: 30

I. STATEMENT OF PURPOSE

The purpose of this directive is to provide City of Carrollton employees with guidelines and procedures regarding work attendance. This directive shall be the only directive used when implementing work attendance guidelines and procedures. It is understood that through the work-life of an employee there will be occasions where his/her absence from work is required for any number of reasons, such as illness, family emergency, or other family or personal commitments. It is further understood that some of these absences may be planned well in advance and others may offer the individual no planning time at all. The intent of this directive is to allow employees to be able to address these types of situations in a way that is as minimally disruptive to work responsibilities as possible. It is the responsibility of the employee and his/her supervisor/manager to work together to best meet the needs of the employee for time off and the City for maximum staffing and productivity.

II. DIRECTIVE STATEMENT

It is the policy and expectation of the City of Carrollton that all employees be at work every day and on time to work as scheduled.

It is the responsibility of each supervisor/manager to exercise discretion and sound managerial judgment in applying and making exception to the guidelines in this directive to most fairly fit individual cases.

III. APPLICABILITY

This policy will apply to all regular full-time, part-time, seasonal and temporary employees in a participating department.

IV. DEFINITIONS

- A. ON TIME - arriving at the scheduled start time for the assigned work period. From the scheduled start time to 7 minutes after the scheduled start of the work period is an extended start time which will allow employees who have an occasional unexpected situation arise which would cause the employee to be a little late to work without the late arrival documented. The 7 minute window is to be used as an occasional cushion for unplanned late arrival.
- B. TARDY - arriving eight (8) minutes or more after the scheduled start time for work. Calling the supervisor to say there will be a late arrival **does not** excuse the tardy. It simply means that the supervisor has been informed.
- C. ABSENCE - failure to attend or appear when expected on a scheduled work day.
- D. UNSCHEDULED LEAVE - absence that is taken without the appropriate planning, notification and supervisory pre-approval required by this directive.
- E. SCHEDULED LEAVE - absence that is taken with the appropriate planning, notification and supervisory pre-approval required by this directive.
- F. PATTERN OF BEHAVIOR - is a configuration of unscheduled tardiness/absence from work that becomes repetitious and predictable with an individual or group of employees. For example, Tuesday morning tardiness after Monday Night Football; an unscheduled sick day that always occurs at the beginning or end of some scheduled vacation; unscheduled absence before or after a holiday; unscheduled illness that occurs on the same days the employee was denied for vacation; an unscheduled sick day that happens on the day(s) the children are out of school. This type of employee leave behavior creates problems for both the city and fellow employees because it is an unplanned loss of resource and productivity.

V. PROCEDURES FOR REQUESTING LEAVE

- A. Employees requesting any type of scheduled leave (e.g., vacation, jury duty, military, holiday, funeral leave, compensatory, discretionary) must receive approval from his/her immediate supervisor or manager. All requests should be submitted through Kronos or other type of written communication for the amount and type of leave being requested whenever possible.
- B. Whenever possible, requests for scheduled leave must be made in advance of the dates for which the leave is being requested and should be in writing. The following are guidelines that may be used for requesting leave in advance.
 - 1. Requests for one day or less should be requested one business day (24 hours) in advance.
 - 2. Requests for additional days off should be given similar advance notice. For example, two days advance notice when requesting two days off, three business days advance notice when requesting three days off, etc...
- C. Funeral leave – See Administrative Directive Leave for more details
- D. Jury Duty Leave- See Administrative Directive Leave for more details.
- E. Health Clinic Leave- On January 1st of each year, employees on any of the City's health plans will receive four (4) hours to be used to access the City's Health Clinic. This time cannot be rolled over and will be replenished every year. In order to use this time, the employee will need to obtain a note from the Health Clinic at their visit and present it to their supervisor. The supervisor should then code that time as Health Clinic leave if the employee has enough time in that leave balance.

The health clinic is intended to help keep employees fit for duty and avoid the spread of sickness and/or disease to other employees. If an employee needs treatment but it is unreasonable to wait until the next business day to seek treatment due to the advance notice guidelines, supervisors should exercise discretion in allowing the employee to visit the clinic as soon as possible. Employees *are* expected to receive approval before going to the Health Clinic.

VI. EMPLOYEE ATTENDANCE STANDARDS

- A. Employees of the City of Carrollton are required to maintain regular attendance at their jobs. In the case of tardiness or an unplanned absence, the event may be documented by the immediate supervisor/manager.
- B. Employees unable to report to work for any reason must notify their immediate supervisor each day that they are unable to report to work at least two (2) hours before up to thirty (30) minutes after their scheduled work time.
- C. In the event that an employee does not show up for work for three consecutive days without notification to their supervisor, the job will be considered abandoned and the employee will be terminated.

VII. SUPERVISORY/MANAGEMENT RESPONSIBILITY

- A. It is the supervisor/manager's responsibility to assure that there are adequate resources available in their work unit on a day to day basis to meet the performance expectations for that work group. To be successful in this area of responsibility, the supervisor or manager must manage employee attendance.
- B. Absences and tardiness will be tracked on a "rolling" twelve month period. This means that each time an unscheduled absence or tardy arrival occurs with an employee, the supervisor/manager will review the past twelve months of performance to determine whether and what kind of action should be taken. Based on the findings of the supervisor/manager, action could range from coaching and/or counseling up to a Third Level Notice. Attendance situations which arise that may need to be addressed may include but are not limited to:
 - 1) Tardiness
 - 2) Unscheduled Absences
 - 3) Unscheduled Sick Time
 - 4) Unscheduled Vacation
 - 5) Leave without pay
 - 6) Leaving early without permission
 - 7) Failure to notify supervisor of absence or tardiness

- 8) Unscheduled Compensatory Time Off
 - 9) Unscheduled discretionary leave usage
- C. A physician’s note may be required when an employee has been absent three (3) or more days or as needed by the supervisor in order to determine the appropriate use of leave or to determine the employee’s fitness to return to work.

VIII. LEVELS OF ACTION

In the event that unscheduled tardiness or unscheduled absences occur, supervisors/managers should use their best judgment when determining the appropriate action to be taken in accordance with the Positive Performance Management (PPM) Directive. Unscheduled absences and tardiness may have different impacts on different work groups. Below are some examples of unscheduled events and actions to help illustrate different levels of actions. These are only examples and not definitive of actions that should be taken.

Event	Level of Action
1-4 times absent or tardy	Coaching and/or Counseling
5-6 times absent or tardy	First Level Notice
7-8 times absent or tardy	Second Level Notice
9 times absent or tardy	Third Level Notice
1 more tardy or absence following a Third Level Notice	Recommendation for separation of employment

IX. EXCEPTIONS

- A. Situations of tardiness or unplanned absence that arise which may be excused may include but are not limited to:
- 1) Leave of Absence
 - 2) On the Job Injury
 - 3) Jury Duty
 - 4) Funeral leave
 - 5) FMLA protected leave
 - 6) Emergency situations (accident, house fire)
- Emergency situations are one example requiring focused managerial attention in order to be fair without being discriminatory. As a result it is suggested that the employee’s supervisor may recommend a particular action based on an emergency situation but these exceptions must be approved by the department director to encourage consistency throughout the department.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: POSITIVE PERFORMANCE MANAGEMENT (PPM)

REFERENCE NUMBER: 31

I. STATEMENT OF PURPOSE:

The City of Carrollton believes that an aligned, dedicated workforce is vital to the effective provision of service to our citizens. This guideline for *Positive Performance Management* demonstrates the City's commitment to enhance employee performance, stimulate individual accountability and foster commitment through a performance management approach that challenges employees to excel, recognize and reward individual performance, and addresses performance problems through progressive, proactive, non-punitive measures.

Positive Performance Management is a system that is entered into by a new City of Carrollton employee as soon as they receive their probationary performance expectations, continues as the employee successfully completes probation and receives regular annual performance measures, continues through semiannual and annual performance review processes and ends with the distribution of that employee's final pay check when they leave their Carrollton position. Supervisors and managers play a crucial role in this process through the establishment of clear individual performance objectives, coaching the employee for improved performance over time, recognizing and rewarding performance excellence, and when necessary, administering an appropriate level of discipline to realign behavior in order to effectively accomplish the desired business performance.

II. APPLICABILITY:

- A. This directive applies to all regular full-time and part-time employees of the City of Carrollton.
- B. This directive does not apply to Civil Service Police or Fire personnel. Formal levels of discipline do not apply to probationary employees. All positions in Grade P of the compensation plan and higher are excluded from the provisions outlined in this directive.

This directive does not apply to seasonal or temporary employees. All employees that are classified as temporary or seasonal employees are not managed through the formal levels of Positive Performance Management. While the City requests that supervisors establish performance expectations for their new employees and that they coach for improved performance, this directive does not require the full formal discipline process be implemented prior to termination. The use of contacts for recognition and coaching for improved performance does apply to temporary and seasonal employees.

- C. Employment with the City of Carrollton is “at will”, and either the employee or the employer may terminate the relationship at any time for reason or no reason at all. The City Manager may remove with or without cause any employee of the City who is not appointed by the City Council. This removal power is subject to any exceptions in the applicable provisions of the Civil Service laws for police, firefighters and the city charter. The at-will status of any employee may not be modified or rescinded by any oral or written statements by any person, including appointed or elected officials, any employee handbooks, employment applications, or other materials provided to employees.

III. PERFORMANCE STANDARDS

A commitment by all employees to the City of Carrollton's performance standards will make Carrollton a better place to work and help ensure a safe and efficient business operation. Performance standards applying to employees of the City of Carrollton are established within each department, consistent with overall city direction.

Employee work performance standards are categorized as:

- A. Quality, Service and Productivity (work performance)
 - 1. Quantity of Work
 - 2. Quality of Work

- B. Personal Effectiveness
 - 1. Effective interaction with others (conduct)
 - 2. Safety
 - 3. Attendance

IV. CRITERIA FOR APPLICATION OF FORMAL LEVELS OF POSITIVE PERFORMANCE MANAGEMENT

The primary objective of the formal levels of Positive Performance Management, outside of coaching, is to correct performance problems with fairness and consistency. The following criteria are to be considered, as appropriate, in determining action to be taken under the formal levels of discipline or separation:

- A. Severity and kind of offense(s);
- B. Impact of the offense(s) on other employees and/or operations in the city;
- C. Employee's length of service and work record;
- D. Period of time since coaching or active discipline level, if any;
- E. Past disciplinary actions taken by the city for similar offense(s).

V. LEADERSHIP ACTION OPTIONS

The following options are available for leaders to choose from when working with their employees to achieve optimum performance.

- A. **Coaching** is the primary tool for insuring individual commitment, communicating expectations, removing barriers to performance and encouraging positive feedback. This is not an isolated event but should be an ongoing process for developing teams and individual employees.

Coaching is an everyday activity performed by supervisors to teach and show employees how to perform their jobs properly. ***Coaching is not a formal level of discipline.*** However, a formal level of discipline may be imposed for the same conduct about which an employee was coached. A rule violation which reflects a quality, service or productivity (work

performance) problem or a personal effectiveness (conduct, safety or attendance) problem may be the subject of coaching and imposition of a formal level of discipline. Supervisors should use coaching when an employee begins to develop a work performance, conduct, or an attendance problem. The objective is to help the employee recognize that a problem exists and develop effective solutions to the problem. Normally, most problems are resolved by coaching. Recognizing employees for work well done is also an essential feature of coaching.

Documentation: These contacts must be noted on the Performance Discussion Log. There should be support documentation in the departmental file concerning the employee's goals and progress being made toward them; training and development that has been accomplished, etc.

- B. Counseling** is the one-to-one communication between an employee and their supervisor/manager to address emerging minor performance problems before formal discipline is required. The purpose of counseling is to bring unsatisfactory performance to the attention of the employee; to achieve agreement as to the cause(s) of this performance problem; and then have the supervisor/manager and employee develop a plan for resolving the issue with both persons having a personal commitment to the plan. *Counseling is not a formal level of discipline.*

Documentation: There should be documentation in the Performance Discussion Log kept in the departmental file noting the time, date and subject of counseling sessions, particularly if there is an ongoing issue or the problem is serious enough to result in formal discipline being initiated if there is not immediate improvement.

- C. Recognition and encouragement** acknowledge excellence and effort to instill confidence and convey sincere appreciation, motivating individuals to excel in their jobs. Recognition and encouragement are critical leadership tools to be used at any time throughout an employee's career; when the employee has exceeded expectations, consistently met expectations over a long period of time, or 'plateaued' despite consistent effort.

Documentation: Recognition should be as well documented as less positive aspects of an employee's performance. If possible, written recognition should be recorded on the Employee Recognition Form and recorded in the Performance Discussion Log. Verbal comments should be captured and recorded as well. If it is not possible to use the designated form, a regular piece of paper will do. The point is to capture this positive

feedback as a part of the employee's overall performance.

VI. FORMAL LEVELS OF POSITIVE PERFORMANCE MANAGEMENT

When an employee's performance does not improve after coaching and counseling or after a single incident occurs which warrants formal disciplinary action, regardless of any prior discussions (either formal or informal) regarding the same or similar incident, the supervisor may discipline the employee following the progressive levels outlined below.

- A. **FIRST LEVEL NOTICE** is the first step of formal discipline and the least serious. It is used when the employee does not correct their performance after counseling or if their performance problem warrants this level of discipline. This level of discipline involves the supervisor/manager's verbal description of the problem and the business reason for needing to fix it. The supervisor/manager asks the employee to take ownership of the problem and to solve it, with the supervisor's/manager's support.

The following procedures apply for a **FIRST LEVEL NOTICE**:

1. The immediate supervisor must use the Performance Discussion Guide to prepare for and summarize the First Level Notice discussion and to write the letter to the employee summarizing the discussion. During the discussion, the employee and supervisor discuss the Performance Standard problem. The employee is reminded of the importance of commitment to meet the City of Carrollton's Performance Standards. In this problem-solving discussion, the employee is informed that this is the First Level Notice of the Positive Performance Management system and that the employee is responsible for immediately improving and maintaining a satisfactory work record with regard to the immediate work problem and all other aspects of employment. The letter includes the exact performance problem, the employee's need and commitment to correct the problem, dates of prior coaching, and what further levels of discipline may follow if total job requirements are not met. The employee must sign the letter to acknowledge the discussion.
2. The original copy of the letter is given to the employee. The immediate supervisor forwards a copy of the letter to the next level supervisor and places a copy in the employee's official personnel file maintained by the Workforce Services Department. The immediate supervisor also makes a notation of this action on the Performance

Discussion Log, which is kept by the immediate supervisor. The employee may attach a personal statement to the letter if he/she desires.

3. **Approvals:** The immediate supervisor/manager may approve this level of discipline with guidance from higher departmental management or the Workforce Services Department, if desired.

4. **Documentation:** The First Level Notice is documented by completing the Performance Discussion Guide. A copy of this document is to be provided to the employee and one should be forwarded to the Workforce Services Department. The supervisor/manager should also keep a copy of this document for their files.

5. **Deactivation:** If the employee corrects the problem the Performance Discussion Guide will be removed from the departmental file at the conclusion of six (6) months and a letter of recognition for improved performance will be sent to the employee. A copy of this letter will be sent to Workforce Services.

B. **SECOND LEVEL NOTICE** is the next level of seriousness in the formal discipline system. This step is used when an employee does not meet a commitment to improve at the First Level Notice, or when there is an incident serious enough to warrant moving directly to the Second Level Notice.

The following procedures apply for a **SECOND LEVEL NOTICE**. They are required when an employee's commitment to improve is not immediately met and sustained following a First Level Notice or when an employee commits an offense warranting a Second Level Notice whether or not a First Level Notice is active.

1. The immediate supervisor must use the Performance Discussion Guide to accumulate information that is used to conduct the discussion and to write the letter to the employee summarizing the discussion. The letter includes the exact performance problem, the employee's need and commitment to correct the problem, dates of prior coaching and previous level of notice, (if any), and what further levels of discipline may follow if total job requirements are not met. The employee must sign the letter to acknowledge the discussion.

2. The original copy of the letter is given to the employee. The immediate supervisor forwards a copy of the letter to the next level

supervisor and places a copy in the employee's official personnel file maintained by the Workforce Services Department. The immediate supervisor also makes a notation of this action on the Performance Discussion Log, which is kept by the immediate supervisor. The employee may attach a personal statement to the letter if he/she desires.

3. **Approvals:** The immediate supervisor/manager may approve this level of discipline with guidance from higher departmental management and the Workforce Services Department, if desired.

4. **Documentation:** The Second Level Notice is also documented by completing the Performance Discussion Guide. A letter from the supervisor/manager to the employee summarizing the meeting and the employee's commitment is written, with a copy kept by the supervisor/manager for the departmental file and one copy forwarded to the Workforce Services Department. This Second Level Notice remains active for nine (9) months.

5. **Deactivation:** If the employee corrects the problems, the letter will be removed from the departmental file after nine (9) months and a written letter of recognition for improved performance will be sent to the employee. A copy of this letter will be sent to Workforce Services.

C. **THIRD LEVEL NOTICE** is the final and most serious level of discipline in the Positive Performance Management system. This level of notice is used when an employee does not meet their commitment for improvement for the same performance problem at the Second Level Notice or when a single infraction is serious enough to warrant this level of discipline.

The following procedures apply for a **THIRD LEVEL NOTICE**, and are required when an employee's commitment to improve is not immediately met and sustained following a Second Level Notice or an employee commits an offense warranting a Third Level Notice whether or not a First Level Notice or Second Level Notice is active.

1. The immediate supervisor, with advice and counsel of intervening levels of supervision and an authorized representative of the Workforce Services Department and City Attorney's Office assembles all documents and records leading to and supporting the application of a Third Level Notice. A discussion with the employee is conducted by the authorized department manager with no more than one other level of management present. The

employee's overall work record, work performance, attendance or conduct problems are reviewed. This discussion is followed by the employee being placed on a one day Third Level Notice with pay the following workday or shift, in order for the employee to decide whether he/she wants to continue employment. The supervisor prepares a letter that outlines the reasons for the Third Level Notice and sets the specific date that is to be taken off (the next work day). The original copy of the letter is given to the employee. One copy of the letter is signed by the employee as an acknowledgement of receipt of the letter. The acknowledged copy is placed in the employee's official personnel file. A copy is retained by the supervisor for the departmental file.

2. The employee reports his/her decision the next workday or shift after the Third Level Notice. The employee, the immediate supervisor and the authorized division manager or department director discuss the employee's plans to make the needed performance improvements. The employee is informed that, if he/she does not live up to this commitment and meet all job requirements for the next twelve (12) months, separation of employment will likely result. Following this conversation, the employee is given a letter signed by the authorized division manager or department director summarizing the Third Notice Level discussion and the employee's decision. The employee may attach a personal statement for his/her personnel file.
3. The original copy of the letter is given to the employee. One copy of the letter is signed by the employee as an acknowledgement of receipt of the letter. The acknowledged copy is placed in the employee's official personnel file. A copy is retained by the supervisor for the departmental file.
4. The immediate supervisor also makes a notation of the action on the Performance Discussion Guide.
5. *Any* infraction after the Third Level Notice that warrants a formal level of discipline results in immediate termination. While there is some discretion for supervisors, it is fairly narrow in scope. For example, if an employee has been appropriately counseled and the formal levels of Positive Performance Management have been followed by the supervisor, but the employee still chooses not to change/correct the behavior, termination is the correct action. If the

next occurrence is relatively insignificant and unrelated to the reason for the Third Level Notice or there is a legitimate reason for what has occurred, then termination may not be justified. The circumstances of each situation must be considered along with consistency for all employees.

6. **Approvals:** Both the Workforce Services Department and the City Attorney's office must be consulted prior to the supervisor/manager taking action on the department's behalf with an employee at this level of notice.
7. **Documentation:** The Third Level Notice documentation begins by completing the Performance Discussion Guide and is supplemented by a written letter. In that letter the supervisor/manager describes the unacceptable performance to the employee, the severity of the problem to the unit's business objectives and the need for the employee to make a decision concerning continuing to work for the organization. The employee is told that this is the third and final step of formal discipline and that they are being given one day's suspension with pay to decide if they want to continue to work for the city.

When the employee returns from the paid suspension they report immediately to the supervisor/manager and announce their decision in writing, including a plan for resolving the continuing performance problem. If the employee chooses to remain with the city, he/she receives a confirmation letter from the supervisor/manager that (a) he/she understands that the employee wishes to remain in their position with the city and (b) that this is specific notice that any problem which requires a formal level of discipline to be administered to this employee during the time that the Third Level Notice remains active may result in separation from employment.

8. **Deactivation:** Should the employee maintain an acceptable level of performance for twelve consecutive (12) months following the Third Level Notice, the letter will be removed from the departmental file and a letter of recognition for improved performance will be forwarded to the employee. A copy of this letter will be sent to Workforce Services.

D. **TERMINATION** is the result of an employee's failure to meet acceptable standards of performance during the time the Third Level Notice is active,

or for committing a performance infraction so serious that skipping the lower levels of the process was necessary. Both the Workforce Services Department and the City Attorney's office are involved in a termination prior to any action being taken. In some instances, the City Manager is also involved. The documentation, both historic and in the moment, must be correct and concise as it is key to the termination process.

Documentation: Documentation as mentioned above must be complete and concise and arranged in a manner as to support the termination based on actions that have occurred over the employment history of the individual.

Deactivation: There are both disciplinary action and termination appeal processes available to city employees who feel that either of these last steps have been activated inappropriately.

- E. **BYPASSING:** Omitting any level of Positive Performance Management is strongly discouraged. Only under *extreme* circumstances may a formal level of discipline be bypassed. The examples of serious misconduct provided in this policy are not intended to be all-inclusive. The requested bypass must be reviewed by the Director of Workforce Services and approved by the department director and City Manager in advance of the action being taken.

VII. THE APPLICATION OF FORMAL LEVELS OF DISCIPLINE

The maximum number of First Level Notices that may be active at one time is two, and these reminders must each be in one of the two different categories of Performance Standards. Should another performance problem occur in a category where there is already an active First Level Notice, the discipline step escalates to a higher level, which is usually a Second Level Notice. The maximum number of Second Level Notices that may be active at one time is two. Each notice must be in a different Performance Standards category.

Should another performance problem occur in a category where there is already an active Second Level Notice, the discipline level escalates to a Third Level Notice. Only one Third Level Notice is allowed during the employee's career with the city of Carrollton. There may be an occasion where an employee's performance might warrant being placed on a second Third Level Notice. Should this occur, the department head, Workforce Services Department and City Attorney's Office will review the situation and make a recommendation to the City Manager to either grant a second Third Level Notice or release the employee in question.

Occasionally, after an employee has received a Third Level Notice, a minor infraction not worthy of separation may occur during the active period. In these instances, the infraction is documented by the immediate supervisor and forwarded to the next two higher levels of management for review and approval prior to being sent to the employee's personnel file. The documentation includes a brief factual statement of the infraction and a list of reasons or extenuating circumstances why separation is not appropriate. The employee must be informed, in writing, of the decision not to terminate and of the consequences of a further infraction. Any further infraction within the active period of the Third Level Notice will result in termination.

VIII. POSITIVE CONTACTS

Positive Contacts are recognition of good performance. Positive Contacts may be verbal or written. For example, good performance is recognized when an employee, or a group of employees, has:

- A. performed beyond normal duties and expectations;
- B. taken effective action in a crisis or emergency situation;
- C. developed a safety or environmental suggestion or a cost or work savings idea;
- D. provided special training or assistance to their employees;
- E. completed a major project in a safe, cost effective and timely manner;
- F. attained outstanding performance in production, product quality, or public service;
- G. maintained a good attendance and/or performance record over a significant period of time;
- H. performed other exceptional actions warranting special recognition;
- I. improved performance warranting recognition;
- I. reached the point of deactivation of a formal level of discipline.

Both written and verbal positive contacts must be presented in person. All written positive contacts must be given on an Employee Recognition Form. Both written and verbal comments must be noted on the Performance Discussion Log. It is strongly recommended that each supervisor maintain a balance between verbal and written positive contacts for each employee.

When the praise is communicated by a citizen or by a supervisor from another department the commended employee's immediate supervisor must complete an Employee Recognition Form for distribution as stated on the form. Other positive contacts may be noted on the Performance Discussion Log.

IX. ACTIVATION

The activation date shall be the date when formal disciplinary action is communicated to the affected employee(s). All documentation should be completed, approved and delivered no later than the end of the next business day.

X. DEACTIVATION

Formal disciplinary actions are deactivated after the following periods have expired unless further disciplinary actions are required in the same category:

- A. First Level Notice - 6 months
- B. Second Level Notice - 9 months
- C. Third Level Notice - 12 months

Absences from work for a period of thirty (30) or more consecutive days are not included in deactivation timing.

If an employee transfers or is promoted to another department or division the formal level of discipline follows, and will be active until the deactivation date. The new supervisor should obtain a copy of the Positive Performance Management information so that he or she can continue monitoring the employee's progress and follow up as required.

It is the department director's responsibility to ensure deactivation of formal disciplinary actions in conformance with the Positive Performance

Management directive.

Deactivation of a First Level Notice, Second Level Notice or Third Level Notice requires the supervisor to complete an Employee Recognition Form and inform the employee, in person, of the deactivation. The deactivation and the Employee Recognition Form shall be noted on the Performance Discussion Guide originally prepared for the level being deactivated. Distribution of the Employee Recognition Form shall be made as noted on the form, insuring that the employee receives a copy and a copy is sent to the Workforce Services Department for placement in the official personnel file.

NOTE: Deactivation of a formal level of discipline may be postponed in very rare circumstances by the City Manager upon a department director's request within the activation period. Extensions of up to sixty (60) days will only be considered when there is a pending investigation of misconduct occurring during the activation period that would affect the next level of discipline, and the employee has received postponement notice. Department directors must make another request for City Manager approval for investigations which will exceed sixty (60) days.

Deactivated disciplinary documentation will not be used to determine the nature or extent of subsequent disciplinary action unless there is a pattern of entering and exiting the formal corrective action system.

In an effort to allow "total deactivation" of disciplinary actions, an employee may request the Workforce Services Department place the documentation regarding First Level, Second Level or Third Level Notices, (Oral or Written Reminders, and Decision Making Leave documentation) into an "inactive file" five (5) years after levels of disciplinary actions have been suspended. This option reinforces the constructive nature of Positive Performance Management. These documents must be kept to protect the city in the event of legal action and maintained as confidential except when required by law.

XI. FOLLOW-UPS

Frequent follow-ups are essential for Positive Performance Management to achieve the desired results. The follow-ups are normally made by the immediate supervisor at appropriate intervals and will be documented on the Performance Discussion Guide. Further coaching continues as required, and Positive Contacts are made to reinforce good performance. The supervisor who

authorized the Positive Performance Management action is kept informed of the progress the employee is making toward meeting his/her responsibilities. Supervisors should provide timely feedback to employees at the following intervals during an active formal level:

- A. One month after entry into a formal level
- B. Midpoint of a formal level
- C. One month prior to deactivation of a formal level
- D. Deactivation of a formal level

XII. IMPACT OF DISCIPLINE ON PERFORMANCE EVALUATIONS

If an employee has an active First Level Notice at the time of the performance review it is supervisory/managerial discretion to determine the impact of this action on the overall employee performance rating for the performance period.

If an employee has an active Second Level Notice at the time of the performance review, the supervisor/manager may again use discretion concerning the impact of the action on the employee's merit-based increase.

If an employee has an active Third Level Notice at the time of the performance review, he/she cannot receive a merit-based increase. A pay increase will not be considered until the **next** annual performance review.

XIII. SERIOUS MISCONDUCT

Conduct which has a substantive material negative impact on the department, organization, or individual employee may be grounds for immediate removal from the workplace, bypass of lower levels of Positive Performance Management, and/or separation from employment.

The following list of actions which constitute "serious misconduct" is not intended to be all inclusive, but is intended to state management's belief that such conduct will jeopardize an individual's continued employment. Any other conduct not listed, including immoral conduct, during or off working hours which could have an adverse affect on the city or on the confidence of the public in the integrity of the city government, or on the relationship of the employee and other employees may be subject to the same disposition.

- A. Commission of a felony, theft, vandalism of or careless destruction of city or private property while in the course of employment;
- B. Lying to a supervisor in an investigation, falsifying statements, employment applications or work records;
- C. Under the influence of, consumption of, or possession of drugs, alcohol or contraband while on the job or on city property or failure to pass a drug screening examination or refusing to take a drug screen when required;
- D. Unauthorized possession of weapons or contraband while on the job or on city property. Authorized means the city has given permission to the employee to carry and use the weapon in the course and scope of employment;
- E. Assault, threatening assault or fighting on city property;
- F. Gambling during working hours or on city property;
- G. Insubordination;
- H. Failure to maintain a valid motor vehicle operator's license and/or remain insurable under city insurance coverage if required by the job description. The employee must also meet city driving requirements;
- I. Knowingly violating safety rules; conviction of a DUI (Driving Under the Influence), DWI (Driving While Intoxicated), or other alcohol-related driving offenses;
- J. Employee conduct defined and regulated by the Carrollton Civil Service Commission in accordance with the Texas Revised Civil Statutes Chapter 143, Local Government Code;
- K. Failure of an employee to cooperate in an investigation when directed to do so;
- L. Using an official position, uniform, or identification card for personal benefit;

- M. Tampering with, hindering, or influencing a drug and/or alcohol test in an attempt to sway the test results will result in separation from employment;
- N. Failure to immediately report an accident. Employees and supervisors must immediately report all motor vehicle accidents involving a city vehicle and/or any accident involving an employee's personal vehicle while conducting city business;
- O. Committing a breach of confidentiality.

When an employee's behavior warrants removal from the workplace (administrative leave), the employee is required to leave city property. Use of administrative leave is restricted to conduct so serious that the presence of the employee will hamper the investigation, safety and security or normal business functions. The supervisor tells the employee that he/she is being placed on paid administrative leave pending investigation, and that he/she will report to the appropriate department head at a time specified by the supervisor imposing the action. An employee on administrative leave is expected to remain available for call back to the work place during City business hours.

The investigation begins after the imposition of administrative leave. The supervisor/manager reviews the problems with higher levels of management including the Director of Workforce Services and the City Attorney's Office to decide what action will be taken. All investigations will include questioning the employee or hearing his/her side of the story.

Should an investigation be underway at the time of annual performance reviews, any merit award consideration for the involved employee(s) will be made following the final report on the investigation and any decision concerning disciplinary action.

XIV. SEPARATION FROM EMPLOYMENT

Disciplinary separation from employment results when an employee does not immediately improve and maintain an overall satisfactory work record following the Third Level Notice, when the employee has violated a City Administrative Directive, or committed an act of serious misconduct determined to warrant separation. When a separation is considered to be necessary, the following steps must be taken:

- A. A thorough investigation is conducted;
- B. The Director of Workforce Services is informed of the impending separation prior to any further action;
- C. The employee is informed in person, when possible, of the reason for the proposed separation. Concurrently, the reason is presented in writing. This notification must set the date, time and place of the pre-separation hearing. The purpose of the hearing is to provide an opportunity for the employee to present any information that may have a bearing on the decision to be made. The employee is given at least forty-eight (48) hours written notice of the hearing. The employee signs a copy of the written notice acknowledging receipt of the original document. At the supervisor's discretion the employee may be required to take administrative leave after receipt of the notice where there is a concern of violence, disruption in the workplace or the employee has access to sensitive or confidential information.
- D. The pre-separation hearing is designed to provide an opportunity for the department director to talk directly with the employee in an informal setting. Other supervisors in the chain of command may also be present. Either the employee or the supervisory staff may request the presence of a Workforce Services staff representative. The employee will be allowed to bring written documents and any individuals who have information that directly pertain to the case for the purpose of presenting all of the facts. The authorized department director or division manager conducts the pre-separation hearing, completes any further investigative work as deemed necessary to discover all of the facts, makes a decision, prepares a written summary and informs the employee in person, when possible, of the decision within a reasonable length of time. At management's prerogative, anyone in the chain of command is entitled to attend, conduct the hearing, perform additional investigative work and render a decision.
- E. Should the decision be separation from employment, the employee will be referred to the Workforce Services Department. The final paycheck will be prepared on the next regular pay day.

XV. APPEAL

An employee has the right to appeal every formal level of Positive Performance Management (First Level Notice, Second Level Notice, Third Level Notice and separation). An employee who is terminated for violent behavior, as set forth in Administrative Directive 22 (Workplace Violence

Prevention), has no right to appeal separation from employment under this section. An employee who resigns during an investigation of allegations of misconduct has no right to appeal separation from employment, but may schedule an exit interview with the City Manager. A request for an exit interview with the City Manager must be made within five (5) business days of submission of resignation.

An employee who has received a First Level Notice or a Second Level Notice has five (5) business days from receipt of such action to request an appeal. The appeal proceeds through intervening levels of supervision to the department director. Any level of intervening supervision may amend, modify, overturn or enhance the action as may seem just and equitable under the circumstances. The decisions of the department director are final.

A Non-Civil Service employee who has received a Third Level Notice or who has been separated from employment has ten (10) business days from receipt of such action to request an appeal. Such appeal must be made in writing to the Director of Workforce Services and must state the grounds for the appeal. When a non-Civil Service employee requests an appeal, the following procedures apply:

- A. A committee is appointed by the City Manager to hear the appeal. The committee will consist of an assistant city manager not associated with the department involved, one (1) employee of at least division manager rank and one (1) employee of the same level of employment as the appellant from another division. None of these employees may work in the department of the employee requesting the appeal.
- B. The employee will be given at least forty-eight (48) hours notice of the appeal hearing. This notice shall be in writing of the date, time and place of the hearing.
- C. The employee has the right to have present a representative of his or her choice before the committee. The employee may call witnesses, cross examine the department's witnesses and present any evidence or information that is relevant to the case.
- D. The committee has the authority to recommend that the action be amended, modified, overturned or enhanced as it may determine just and equitable having considered all of the facts and circumstances of the particular case.
- E. The committee makes a written recommendation to the City Manager upon conclusion of the hearing.
- F. The City Manager makes the final decision based upon a review of the committee's recommendation. The City Manager has the right to

amend, modify, overturn or enhance the recommendation of the committee. The decision of the City Manager is final. The decision is in writing and is given to the employee and the department director.

XVI. SPECIAL PROCEDURES

The City Manager may circumvent all formal disciplinary procedures to render an immediate disciplinary decision when it is deemed necessary to preserve the integrity of the city.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: SMOKING AND TOBACCO

REFERENCE NUMBER: 32

I. SMOKING & TOBACCO

Smoking, including use of an electronic smoking device (“e-cigarette”) is only allowed in designated areas at each city facility. Employees working outside and not in close proximity to other employees may be permitted to smoke, use smokeless tobacco or use e-cigarettes as long as it does not hinder their ability to get the job done.

Employees must not smoke, use smokeless tobacco or e-cigarettes in any city vehicle at any time. Smoking, use of smokeless tobacco and use of e-cigarettes are strictly prohibited in any city facility as well. Employees who violate this smoke-free/tobacco-free directive will be subject to Positive Performance Management.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: EMPLOYEE RECOGNITION PROGRAM

REFERENCE NUMBER: 33

I. STATEMENT OF PURPOSE

The City of Carrollton considers its most important resource to be its employees. The City of Carrollton recognition program rewards employees for characteristics and behavior traits that reflect the Carrollton Difference. Years of service are also recognized.

II. CARROLLTON RECOGNITION PROGRAM

The City of Carrollton Employee Recognition program is designed to recognize City employees whose performance exemplifies the Carrollton Difference. Recognition of outstanding service will occur on a quarterly and semi-annual basis.

All full and part-time employees of the City at every level are eligible.

Peer-to-peer level recognition may be accomplished using eCards available through the City’s Employee Recognition website.

III. PERFORMANCE RECOGNITION POINTS

Performance Recognition points allow supervisors to reinforce work behaviors that go “above and beyond” standard performance or to recognize consistent, high-quality work that exemplifies the Carrollton Difference. For example, Performance Recognition points can recognize an extraordinary event or reliable and consistent work performance.

Performance Recognition points are awarded electronically and maintained

through the City's Employee Recognition website. Points are redeemable for merchandise in the rewards section of that website.

A. Criteria

Performance Recognition is appropriate when any of the following conditions are met:

- The employee's behavior, attitude or work traits are a consistent model of the Carrollton Difference to other employees.
- The employee's actions regularly strengthen the Carrollton Difference as the City wide culture and improve employee morale.
- The action goes "above and beyond" as an example of exceptional customer service to other staff in the organization, thereby strengthening internal relations.
- The action goes "above and beyond" as an example of exceptional customer service to the public, strengthens community relations and enhances the public perception of City efforts.

B. Distribution

Each quarter, supervisors will receive 1,000 Performance Recognition points per each authorized full-time or part-time employee. All supervisors are expected to identify and recognize employee behaviors within their department. All points provided should be distributed each quarter through the City's Employee Recognition website.

Supervisors who witness behavior worthy of Performance Recognition points by employees in another department should notify the employee's supervisor as performance recognition should occur within that employee's business unit.

All point distribution will be tracked electronically as they are awarded and redeemed through the City's Employee Recognition website.

C. Recognition Point Limitations:

Any individual employee may receive up to 3,000 Performance Recognition points per quarter. These points are non-transferable and can be spent only by the original recipient as entered in the tracking system.

No employee may receive more than 6,000 points for performance recognition in any budget year (October 1-September 30).

Any supervisor or above has access to check employee recognition point balances at any time. Additionally, Organizational Development maintains access to check balances as needed.

D. Redeeming Performance Recognition Points

To redeem points for Recognition merchandise, employees will visit the City's Employee Recognition website, enter the rewards section of that website and browse available items. The cost of specific items will be shown by the number of points needed to redeem.

Once an employee has selected an item and submitted the order, the merchandise will be sent to the employee at the employee's home address on record with the City.

If an employee redeems more than a total of 14,000 points in a calendar year (either on an individual item or the cumulative total for multiple items), they may be subject to taxation and retirement contributions, as per IRS and TMRS guidelines. If taxation and retirement contributions are required, they would be in the form of deductions from that employee's paycheck.

E. Sustaining the Culture

Supervisors are encouraged to share their experiences giving points, as appropriate, with their staff and with their superiors to highlight examples of the Carrollton Difference in action and further reinforce positive behavior traits.

IV. OUTSTANDING PERFORMANCE RECOGNITION CHALLENGE COINS

Recognition of Outstanding Performance is expressed by delivery of a Challenge Coin displaying the Carrollton Difference in Action logo. These special coins are for distribution by the City Manager and Assistant City Managers only.

A. Criteria

Outstanding Performance Recognition is appropriate when any of the following conditions are met:

- The employee performs superior customer service for either City staff members or Carrollton's citizens, in keeping with the Carrollton Difference.
- The employee contributes to saving someone's health, property, or life by actions that go "above and beyond" normal expectations, including but not limited to, objectives listed in the employee's job description.
- The employee offers innovative suggestions that result in significant increases in efficiency of operations and cost savings to the City.
- The employee offers innovative ideas that result in better access to or easier use of city facilities to the public.
- The employee significantly contributes to building positive community relations.
- The employee provides outstanding service through an exceptional and sustained level of commitment, excellence in performing duties and continually placing the City's mission and team first.

B. Distribution

The City Manager and Assistant City Managers will receive a supply of Outstanding Performance Recognition Challenge Coins. Distribution is determined by each individual.

Coins can be immediately awarded to reward observed behaviors.

Supervisors at any level can acknowledge and report outstanding employee behaviors up through their chain of command. Either through shared experience or direct observation, the City Manager and Assistant City Managers shall award Challenge Coins to employee for superior performance as deemed appropriate.

C. Sustaining the Culture

Outstanding Performance Recognition consists of the following

announcements to honor the employee and support recognition throughout the organization:

- An e-mail announcement will be sent to all employees recognizing the employee and the achievement at the time of presentation.
- Managed Competition and Strategic Planning will prepare an announcement for quarterly Management Team Meeting showcasing the employee and his/her achievement.
- Managed Competition and Strategic Planning will send a copy of the recognition notice to Workforce Services to be included in the employee's permanent file.

D. Timeline

Outstanding Performance Recognition is delivered as appropriate.

V. **OUTSTANDING PERFORMANCE AWARDS**

A. Criteria

Outstanding Performance Recognition serves as an automatic nomination for an Outstanding Performance Award; however, directors and managers can nominate other deserving employees or work teams. Up to three (3) individuals and one (1) team will be selected for outstanding and exemplary action by the Executive Team each quarter.

B. Distribution

Managed Competition and Strategic Planning will maintain details of each nomination for quarterly Executive Team review. The Executive Team will select the winning entry. They may select up to three (3) individuals and one (1) group or department for award per quarter.

1. Individual

The individual award consists of a Carrollton Difference in Action framed certificate, and an award of two (2) vacation days. (A day is defined as 8 hours, so 16 hours will be awarded.)

2. Team

The team award consists of a Carrolton Difference in Action framed certificate for the department/workgroup to be presented at a departmental staff meeting and an award of one (1) vacation day per team member (A day is defined as 8 hours).

C. Sustaining the Culture

The Outstanding Performance Award is the highest honor within the organization. Both award winners and nominees are honored with the following actions.

1. Award Winners

- Managed Competition and Strategic Planning will forward a copy of the award certificate to Workforce Services for the employee's permanent file.

2. All Award Nominees and Winners

- Managed Competition and Strategic Planning will provide copies of the award certificates to Workforce Services for inclusion in each employee's permanent file.

D. Timeline

Outstanding Performance Award periods are defined as

1st Period – October – March

2nd Period – April – September

VI. PARAMETERS

An employee is eligible for awards as follows:

- Outstanding Performance Award – one per fiscal year
- Outstanding Performance Recognition - one per Outstanding Performance Award period
- Performance Recognition – three (3) per quarter

The City Manager has the right to modify Semi-Annual and Quarterly Awards due to events that substantially exceed award criteria. The intent is to insure that all awards presented meet or exceed the highest standards

of the Carrollton Difference.

VII. ANNUAL EMPLOYEE SERVICE AWARDS

The Annual Employee Service Awards Program honors an employee's tenure and dedication by recognizing their years of service with the City.

A. Eligibility

All seasonal, full and part-time employees of the City become eligible at their fifth service anniversary.

B. Criteria

The award is presented at five (5) year intervals. Years of service are denoted through subtle variations of the coin appearance including an imprint of the years of service:

Year Five (5) – Whiter outer band

Year Ten (10) – Sapphire outer band

Year Fifteen (15) Emerald outer band Year Twenty (20) – Bronze-tone coin

Year Twenty Five (25) – Silver-tone coin

Year Thirty (30) – Gold-tone coin

Year Thirty Five (35) – Two-tone coin (gold with silver outer band)

Year Forty (40) – Dedicated Street Sign

C. Sustaining the Culture

There service awards may be presented at staff meetings or individually.

VIII. RETIREMENT AWARDS

If an employee is retiring under one of the City's retirement programs (TMRS or Deferred Compensation), the City will provide a plaque. The department is responsible for notifying the Workforce Services department in advance so the street sign can be ordered prior to the employee's last day of work.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: EMPLOYEE RECEPTIONS

REFERENCE NUMBER: 34

I. APPLICABILITY

This policy applies to all employees. Special provisions for retirement events are specified in this directive.

II. DEFINITION

A. **RETIREEES** - Employees who have effected retirement with the City of Carrollton and are eligible, either through years of service (20 years) or a combination of 5 years of service and age 60, to receive TMRS benefits upon the date of retirement, or is receiving retirement benefits under one of the City sponsored deferred compensation programs.

III. PROCEDURES

- A. Events and/or gifts for employees other than retirement (i.e. new jobs, relocation, baby or wedding showers) may not be funded with City funds.
- B. Appropriate City facilities such as break rooms may be reserved for events as long as it does not impact City business.

IV. RETIREMENT EVENTS

- A. The City will provide \$10 for every year of service to the City of Carrollton up to \$250 to be used by the department in covering the expenses of the event/function and/or token of remembrance. **The token of remembrance may not be a gift card or cash.**

- B. Departments should contact the Workforce Services Department at the point they are notified of an upcoming retirement. Workforce Services will calculate the years of service and request a check for the specified amount. Workforce Services will also order the city retirement street sign.
- C. The retiree's department is responsible for coordinating the retirement event and for producing receipts to Workforce Services to account for the city money spent. Any other funds used must be donations by employees to cover the cost.

V. SPECIAL CIRCUMSTANCES:

- A. When it is determined by the City Manager or Council that the public/media are to be involved in the event, the funding and/or location requirements stated in this policy may vary with the appropriate City Manager approval.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVES: INCLEMENT WEATHER

REFERENCE NUMBER: 35

I. STATEMENT OF PURPOSE

Since City operations will at times be conducted under adverse weather conditions this directive is written to provide employees with guidelines about reporting to work during such conditions.

II. PROCEDURES

- A. Employees are expected to report for duty at the hour regularly assigned for their work day. If weather conditions are such that personal judgment prevents the employee from coming to work or causes them to be late, the employee should notify the supervisor within 30 minutes after the start of the work day.
- B. If weather conditions cause employees to be absent, the supervisor may account for the absence by:
 - 1. Authorized leave time for which the employee is eligible, which may include vacation, holiday, or compensatory time. Sick leave may not be used for inclement weather and the City reserves the right to require a doctor's note in the event that sick leave is used on an inclement weather day.
 - 2. Authorized leave without pay.
- C. If any City offices are closed due to adverse weather conditions the decision about which departments or divisions will be closed and how pay will be handled is the responsibility of the City Manager.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: FURLOUGH

REFERENCE NUMBER: 36

I. STATEMENT OF PURPOSE

In the event it is necessary to reduce costs or meet financial obligations, the City of Carrollton may utilize a furlough program, in which employees would be required to take a day of leave without pay on days designated by the City Manager as a “Furlough Day.”

II. APPLICATION

This program applies to all full-time, part-time, and seasonal (both benefited positions and non-benefited positions) Non-Civil Service employees regardless of source of funds, place of work, or seniority. The following groups are excluded from this policy: Civil Service, Detention, and Pump Station.

All exempt and non-exempt employees will take furlough leave without pay on the days determined by the City Manager. This leave will create a closure of City facilities.

III. PAY AND BENEFITS

- A. Exempt employees may not work from home on the day of the furlough, including answering messages by Blackberry or email. In the event of an emergency a Supervisor will contact employees and authorize their work and pay during a furlough day.

- B. If the furlough day falls in a week where night meetings or additional hours of work are required for either exempt or non-exempt employees, the employees must coordinate with their Supervisor to modify their time within the workweek to ensure the proper number of hours are furloughed and the maximum number of allowable work hours are not exceeded (please see the chart below). i.e., if there is a Council meeting during the week of a mandatory furlough and an exempt employee has to work the meeting from 6:00pm to 9:00pm, the employee will be required to coordinate with their Supervisor to take those three hours off at some other time during the week of the furlough.
- C. Exempt employees will see a reduction in their salary by 8 hours for the day of the furlough. A mandatory furlough day and resulting reduction of pay shall not disqualify an exempt employee from being paid on a salary basis except in the workweek during which the mandatory furlough occurs and for which the employee's pay is accordingly reduced.
- D. Non-exempt employees will not receive pay for the mandatory furlough day.
- E. Full-time employees: Employees who work an average of 40 hours per week will be required to take an 8 hour furlough on the defined days.
- F. Part-time employees: Employees who work an average of 30 hours per week will be required to take a 6 hour furlough on the defined days. Part-time employees who work an average of 20 hours per week will be required to take a 4 hour furlough on the defined days. **The reduction will be based on the average number of hours worked per week, not on the time scheduled to work on the actual day of the furlough.**
- G. Employees will continue to accumulate vacation leave and sick leave.
- H. Employees are required to take all required days of furlough leave without pay and may **not** use other available leave (sick, vacation, compensatory or holiday) in place of required furlough leave without pay.
- I. The time coded as "Furlough" will not be included in the overtime calculation.
- J. In the event an employee is required to work or called into work on the scheduled furlough day, the employee will be paid and required to take the furlough day, or remaining furlough hours, within the current week or the following week.

- K. Employees whose regular day off falls on a furlough day will be furloughed on a different day, designated by their supervisor, during that week.
- L. When a furlough occurs while an employee is “on-call” the employee will be paid for the hours worked and will be required to take the remaining furlough hours within the current week or the following week.

IV. SCHEDULING

- A. It is the responsibility of the employees and supervisors to code furlough days as “Furlough” in the Kronos system.
- B. Employees and supervisors may not schedule additional hours throughout the week to make up hours lost with the mandatory furlough days. During the week of a furlough, employees will be required to take 8, 6, 4 or 2 hours of leave without pay, depending on their average number of hours worked per week.
- C. Supervisors of employees working alternative schedules, such as a 4/10 schedule, will be required to alter employees’ schedules the week of the furlough to result in the employee working 32 hours during the week of the furlough and requiring an 8 hour furlough for the defined day.

Exempt and Non Exempt Employees

Employee Status	Average hours per week	Hours of Furlough	Maximum Allowed Work Hours
1 FTE	40	8 hour furlough	32 hours worked that week
.75 FTE	30	6 hour furlough	24 hours worked that week
.50 FTE	20	4 hour furlough	16 hours worked that week
.25 FTE	< 20	2 hour furlough	Average work hours less 2 hours.

*In the event of a furlough, an audit will be conducted to verify that the maximum allowed number of hours is not exceeded.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: EMERGENCY EVENT LEAVE

REFERENCE NUMBER: 37

I. STATEMENT OF PURPOSE

The purpose of this Administrative Directive is to provide guidance and instruction to employees on how the city will make provisions if a leave of absence is needed during a declared emergency event.

In the event of a wide scale emergency, and when authorized by the City Manager, or an authorized designee, the City of Carrollton must balance a variety of objectives when determining how best to ensure the continuity of operations and reduce the impact on the workplace. In the event an emergency rises to the level that results in school dismissals, child care program closures, quarantine, or other emergency related disruptions, the city will consider reasonable measures that permit an employee appropriate time away from work to provide care for children, themselves, and/or other immediate family members in a manner that provides for the continuity of the required city operations and service delivery.

II. DEFINITIONS

- A. **PAID ADMINISTRATIVE LEAVE:** is defined as leave that requires removal of an employee from the workplace to ensure the health, safety and security of all employees and normal business functions. Administrative Leave can be used to remove one employee, such as during an investigation of such employee, or may be used per department or city-wide in circumstances where the City Manager determines it is in the best interest of the health and safety of employees. While the employee is on paid administrative leave, they are subject to call back by the city at any time.

- B. **EMERGENCY RESPONDERS:** is defined as those employees expected to respond to emergency events, and shall include for the purposes of this Directive, law enforcement officers; jail personnel; fire fighters; paramedics;

public works personnel; persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency; and individuals who work for such department or facilities employing these individuals and whose work is necessary to maintain the operation of the city and its facilities. The City Manager, or an authorized designee, shall determine the employees necessary to maintain operation of a department or facility.

- C. WORKDAYS: defined as the regular scheduled business days of an employee's work schedule.

III. PROCEDURES

A. Standard Business Operations

Employees are expected to report for work at the hour regularly assigned for their workday. If conditions are such that in the employee's personal judgment conditions prevent the employee from coming to work or causes them to be late, the employee must notify their supervisor. Employees unable to report to work for any reason must notify their immediate supervisor each day that they are unable to report to work at least two (2) hours before up to thirty (30) minutes after their scheduled work time.

B. Center for Disease Control (CDC) Mandated Quarantine

In the event, an employee has been quarantined under authority of the CDC, they will not lose pay, benefit status or leave accruals due to their inability to report for work. Time missed from work due to government-ordered quarantine will not be taken from leave balances.

Workforce Services will initiate the Family Medical Leave Act (FMLA) process for the quarantined employee and the employee will be placed on paid administrative leave for the quarantine period as defined by the CDC.

In the event the employee does not qualify for FMLA, the employee will be placed on paid administrative leave for the quarantine period as defined by the CDC. Time missed from work will not be counted against them.

An employee who has direct family members under quarantine per CDC authority, will be allowed to use accrued leave to care for family members under quarantine. An employee may apply for FMLA through Workforce Services if direct family members have been quarantined under CDC authority. In the event the employee themselves becomes quarantined under CDC authority, the employee will be placed on paid administrative leave and Workforce Services will initiate the FMLA process for the employee. Family members in this directive includes only those family members that are included in the Family Medical Leave Act (FMLA).

C. Non-City Closures

An employee who has not been quarantined and is not caring for family members that have been quarantined, but who has been impacted by non-city closures (i.e. schools, daycares etc.) may use accrued leave, excluding sick leave, to care for family members and make family arrangements during the time of the closure.

D. City Manager Determination

The City Manager may at any time, during which an emergency has been declared pursuant to this Directive, modify or waive the provisions in this Directive in order to protect and the health and safety of the employees or to ensure the efficiency of the essential operations of the City.

IV. CITY FACILITY CLOSURES

This Administrative Directive will take immediate effect when an emergency is declared by the City Manager or an authorized designee. This directive will remain in effect until the city determines that the emergency is no longer a threat to the organization or its employees. No part of this policy will be effective to the extent that it conflicts with State or Federal law.

Employees who work in a facility that closes at the direction of the City Manager, will fall under one of the following categories:

- A. **EXEMPT EMPLOYEES** – as long as resources and work are available, employees may be allowed to work from home with approval from their direct supervisor. Hours not worked during the first seven (7) workdays of a facility closure will be paid per the employee’s regular work week schedule. The City Manager will determine whether the facility closure will extend past the first seven (7) workdays and extend such time as is necessary in the City Manager’s sole discretion. The City Manager may authorize extensions to paid leave during the closure, but when paid extensions are no longer available, employees will be required to use leave accruals to account for missed time.
- B. **CRITICAL NONEXEMPT EMPLOYEES** – as long as resources and work are available, employees deemed as “critical” may be allowed to work from home with approval from their direct supervisor and will be paid for each hour worked. Hours not worked during the first seven (7) workdays of a facility closure will be counted as paid administrative leave. The City Manager will determine whether the facility closure will extend past the first seven (7) workdays and extend such time as is necessary in the City Manager’s sole opinion. The City Manager may authorize extensions to paid leave during the closure, but when

paid extensions are no longer available, employees will be required to use leave accruals to account for missed time.

- C. NON-CRITICAL NONEXEMPT EMPLOYEES – employees not deemed as “critical” and do not have work available to perform, will be on paid administrative leave not to exceed the first seven (7) workdays of a facility closure. The City Manager will determine whether the facility closure will extend past the first seven (7) workdays and extend such time as is necessary in the City Manager’s sole opinion. The City Manager may authorize extensions to paid leave during the closure, but when paid extensions are no longer available, employees will be required to use leave accruals to account for missed time.
- D. EMERGENCY RESPONDERS – At the discretion and direction of the Director/Chief, employees who are Emergency Responders are subject to their departmental procedures regarding emergency response.
- E. EMERGENCY REASSIGNMENT: Department directors may, at their discretion, assign employees alternative job functions, outside of the employee’s normal scope of work, as necessary to ensure essential functions are performed to provide for continued operation of the city.

Except as otherwise expressly provided in this directive, available accruals will be depleted in the following order to provide paid leave during an emergency event.

Sick (excluding childcare) > Compensatory > Holiday > Vacation > Unpaid Leave

V. Families First Coronavirus Act (FFCRA)

Effective April 1, 2020, the City will comply with the Families First Coronavirus Act (FFCRA). FFCRA includes mandatory Emergency Paid Sick Leave (EPSL) and FMLA Public Health Emergency Leave. Provisions of the law will be in place until December 31, 2020, and EPSL granted under this law will not carry over to the next calendar year. Emergency Responders as defined in this directive are excluded from the provisions of FFCRA.

Full-time employees are eligible to receive eighty (80) hours of EPSL and part-time employees are eligible to receive the number of hours equal to the average number of hours worked over a two (2) week period. An employee may first use accrued leave in lieu of EPSL and then use EPSL later, in the event it is needed.

Employees who have been employed for at least thirty (30) calendar days qualify for the FMLA Public Health Emergency Leave mandate. The FMLA Public Health

Emergency Leave mandate does not grant additional weeks beyond the twelve (12) weeks mandated by FMLA.

Employees may choose to supplement the leave provided under FFCRA with existing leave accruals.



ADMINISTRATIVE DIRECTIVES

ADMINISTRATIVE DIRECTIVE: EMERGENCY EVENT TELECOMMUTING

REFERENCE NUMBER: 38

I. STATEMENT OF PURPOSE

This Administrative Directive defines the city’s use of telecommuting and establishes guidelines and rules for telecommuting when it is a viable work arrangement. Telecommuting is intended to create flexible conditions that will help employees accomplish their work effectively without disruption to city services especially leading up to, during and/or immediately after emergency events. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not an organizational benefit, and it in no way changes the terms and conditions of employment with the City of Carrollton.

In the event of a wide scale emergency, and when authorized by the City Manager or an authorized designee, the City of Carrollton realizes a need to develop a formal process to implement telecommuting to preserve the environment and for the safety and wellbeing of our employees and citizens of the community.

II. DEFINITIONS

- A. TELECOMMUTING: an arrangement in which an employee regularly performs work at an alternative work site for a specified portion of the work week. Occasional work off-site, including work while traveling on City of Carrollton business, does not constitute telecommuting and does not require the formal arrangement specified in this policy.
- B. TELECOMMUTER: an employee who has an approved telecommuting work arrangement agreement on file with the City Business Continuity Plan and working from an approved alternate work site.
- C. ALTERNATE WORK SITE: an employee will establish an appropriate work site. The City of Carrollton will not be responsible for the costs associated with the initial setup of the work site such as remodeling, furniture, etc.

- D. **METHOD OF CONNECTIVITY:** A means by which staff may gain internet access when away from the primary physical network available at the workplace. Methods may include air-cards, tethered cellular phones, or hotspot devices which are issued to staff. Secured personal internet service providers may also be acceptable.
- E. **VIRTUAL PRIVATE NETWORK:** “VPN”, a method of securely moving private data through an unknown network to the city’s network.
- F. **WINDOWS VIRTUAL DEVICE:** “WVD”, a means by which staff may access city applications on any device through a web-browser.

III. GENERAL PROVISIONS

The duties, responsibilities, and conditions of employment remain the same as if the employee were working at the normal work site. The employee will continue to comply with applicable City of Carrollton policies and procedures while working at the alternate work site.

The Employee understands that telecommuting is a mutually agreed upon work alternative between the city and the employee. The city, with or without cause, can revoke or modify the employee’s participation as a telecommuter at any time.

Telecommuting by one employee should not negatively affect the workload or productivity of others either by shifting burdens or creating delays and additional steps in the workflow. Telecommuting will not affect an employee’s compensation, benefits, work status, or work responsibilities. A telecommuting arrangement shall not result in any additional cost to the City of Carrollton.

IV. PROCEDURES

- A. **Emergency Event:** In the event of a wide scale emergency that could impact our community, the City Manager of the City of Carrollton, or an authorized designee, can declare the city in an emergency event status and activate the ability to utilize this policy. Designated employees must be ready to assist in managing the crisis and these designated employees will be considered as essential for the continuity of governmental operations.
- B. **Eligibility:** Before entering into any telecommuting agreement, the employee and director, with the assistance of the Workforce Services Department, will evaluate the suitability of such an arrangement, reviewing the following areas:
 - i. **Employee suitability -** The employee, director, and manager will assess the needs and work habits of the employee, compared to traits

customarily recognized as appropriate for successful telecommuters. All applications utilized by staff must be available remotely.

- ii. Job responsibilities - The employee, director, and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement including whether staff must work with CJIS, HIPAA, or other restricted information.
- iii. Equipment needs, workspace design considerations, and scheduling issues - The employee, director, and manager will review the physical workspace needs and the appropriate location for the telework, including whether staff must work with CJIS, HIPAA, or other restricted information.
- iv. Tax and other legal implications - The employee must determine any tax or legal implications under IRS, state, and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

An appropriate level of communication between the telecommuting employee and supervisor will be agreed upon as part of the discussion process and will be at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved. Once all details are agreed to and formalized in the City Business Continuity Plan, the Department Director and the Director of Workforce Services must approve the telecommuting assignment.

- C. Equipment: On a case-by-case basis, City of Carrollton will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, phone and data lines and other office equipment) for each telecommuting arrangement. The Workforce Services and Information Systems Departments will serve as resource in this matter. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee and must meet standards established by the organization. City of Carrollton accepts no responsibility for damage or repairs to employee-owned equipment. City of Carrollton reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter must sign for an inventory of all City of Carrollton property received and agree to take appropriate action to protect the item(s) from damage or theft and will immediately report such a loss to the City of Carrollton and the appropriate law enforcement agency. Upon termination of employment, all City of Carrollton property will be returned to the City, unless other arrangements have been made.

City of Carrollton will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary and will also reimburse the employee for

business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee's job. The City is not obligated to send support staff to any telecommuter's worksite. If additional support beyond delivery of materials is required by the telecommuter, they may be required to report to the city worksite.

The employee will establish an appropriate work environment within their work site for work purposes. City of Carrollton will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture, or lighting, nor for repairs or modifications to the home office space.

- D. Security: Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary city information accessible from their home office. Steps may include the use of locked file cabinets and desks, regular password maintenance, document maintenance, and destruction standards, and any other measures appropriate for the job and the environment. The security environment at the employee's work site shall be no less rigorous than that offered at the city. In all cases, city information shall be secured from the view, release, or access to unauthorized individuals.
- E. Safety: Employees are expected to maintain their workspace in a safe manner, free from safety hazards. Injuries sustained by the employee at a work site location and in conjunction with his or her regular work duties are normally covered by the city's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her worksite.

Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering an agreement.

- F. Time Worked: Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using the city's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting work arrangement.

G. Ad Hoc Arrangements: Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.