

AGENDA
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
2150 Universal City Blvd, Universal City, TX 78148
Regular Meeting, Tuesday, January 16, 2024 @ 6:30 P.M.

1. CALL TO ORDER: Mayor John Williams at 6:30 p.m.
2. QUORUM CHECK and VOTE TO CONSIDER THE EXCUSE OF ABSENT MEMBERS (if applicable):
3. INVOCATION and PLEDGE OF ALLEGIANCE:
4. STAFF REPORTS AND OTHER DISCUSSION ITEMS: Items in this section are not expected to require action by City Council and are generally for information only. However, any item listed in this section may become an action item without further notice with the consent of the Mayor at the request of any Councilmember.
 - a. CITY MANAGER'S REPORT:
 1. 2023 Accomplishments Report
 2. City Hall Roof Project
5. CITIZENS TO BE HEARD: At this time, the public is invited to address the City Council and speak on any matter not specifically listed for public hearing elsewhere in this agenda. *PLEASE NOTE NO CITY COUNCIL DISCUSSION, RESPONSE, DELIBERATION, OR ACTION WILL BE TAKEN ON THIS TOPICS AT THIS TIME.* Please limit your comments to three minutes.
6. PUBLIC HEARINGS: At this time, the public is invited to address each item listed in this section. Please limit your comments to the topics of the specific Public Hearing. If more than one Public Hearing is listed in this section to be held, citizens will be allowed to speak during each individual hearing.
 - g. Public Hearing: P.C. 596 (SU 017) – A request for a Specific Use Permit at 320 Kitty Hawk Road, Suites 108 & 109 (CB 5053N BLK LOTS 5 & 6 SCHLUETER SUBD UT-3) to allow an Administrative and Business Offices use in the C3-Commercial Services District, per Zoning Ordinance 581.
7. ANNOUNCEMENTS: With respect to items not listed elsewhere on this agenda, members may report on items of community interest e.g., community or employee awards, proclama, events, and recognitions. Members may also request specific information or a recitation of existing policy from Staff, or request placement of items on the agenda for discussion or action at a following meeting.
 - a. CITY MANAGER'S ANNOUNCEMENTS
 - b. MAYOR'S ANNOUNCEMENTS
 - i. Public Works Retirees
 - ii. City Clerk Send-off
 - c. COUNCILMEMBERS' ANNOUNCEMENTS
8. CONSENT AGENDA:

TAB A: All matters listed under this item are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

 - aa) Consider the minutes of the Tuesday, 02 January 2024 Regular Meeting.
9. ACTION ITEMS:

TAB B: Ordinance No. 655-M-2024 (PC 596 SU 017): An ordinance approving a Specific Use Permit to Valerie Burton for an Administrative and Business Offices use in the form of a cleaning business in a C3-Commercial Services District on property located at 320 Kitty Hawk Road, Suites 108 & 109, Universal City, Texas (CB 5053N BLK LOTS 5 & 6 SCHLUETER SUBD UT-3); providing for non-severability; and establishing an effective date.

TAB C: Resolution 895-K-2024 (2024 Personnel Policy and Procedures Manual): A resolution repealing Resolutions 895-A-2020, 895-B-2020, 895-C-2020, 895-F-2021, 895-F-2022, 895-G-2022, 895-H-2022, 895-I-2022, and 895-J-2023 in their entirety; adopting a 2024 Personnel Policy and Procedures Manual for the City of Universal City; establishing legislative findings; providing amendments; and setting an effective date.

TAB D: Award Construction Contract for the Olympia Hills Flooring, Bathroom Renovations, and Interior Finishes.

TAB E: Bid Acceptance of the Olympia Hills Golf Course Holes 8 & 9 Drainage Improvements.

TAB F: Discuss Implementing a Councilmember Message Board.

TAB G: Discuss Posting Candidate Packets on the City Website Upon Receipt.

TAB H: Resolution No. 966 2024-1 (Mall-Lito): A resolution authorizing a project, which will facilitate the promotion and development of new or expanded commercial development, and which was approved by the Board of Directors of the Universal City Economic Development Corporation on 11 January 2024; and, providing an effective date.

NO TAB 1: Executive Session:

- aa) Pursuant to Texas Gov't Code Sec. 551.072 regarding the purchase and value of real property if deliberation in open session would have a detrimental effect on the position of the corporation in negotiations with a third party; and for attorney consultation pursuant to Sec. 551.071(2); regarding real property at 110-118 E. Byrd Boulevard.
- bb) Reconvene in Open Session and take action, if needed, on any item pertaining to or listed in the Executive Session section of this Agenda.

TAB I: Resolution No. 967-2024: A resolution of the City of Universal City authorizing the purchase of Real Property located at 110-118 E. Byrd Boulevard, Universal City, Texas, by the Universal City Economic Development Corporation, for projects to promote new or expanded business development.

10. ADJOURNMENT:

TAB Z Reports and Minutes

In accordance with the requirements of Texas Government Code section 551.127, a member of the governing body may participate in this meeting from a remote location. A quorum of the governing body as well as the presiding officer shall be physically present at the above posted location, which shall be open to the public. The video and audio feed of those participating remotely shall be visible and audible to the public for all open portions of the meeting. A member of a governmental body who participates in a meeting remotely as provided by law, shall be counted as present at the meeting for all purposes.

All items on the agenda are eligible for possible discussion and action. The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices,) and 551.086 (Economic Development).

This facility is wheelchair accessible & accessible parking spaces are available. Requests for accommodation or interpretive services must be made 72 hours prior to this meeting. Please contact the city clerk's office at (210) 619-0701 if these services are needed.

Congratulations!

AVERY LUNSFORD

UTILITIES ANALYST



Avery will be retiring in January 2023 after twenty-nine years of service with Universal City. Avery has been instrumental in securing over \$2 million in parks funding over the last five years. He has served as a member of the Regional Water Development Group (RWRDG) management council helping to secure

Edwards Aquifer water rights for the City. He has also served as the Secretary for the Regional Water Alliance (RWA) which assists member Cities with long term water planning. Additionally, Avery also worked with Bexar County Community Development Block Grant (CDBG) to obtain funding for drainage and street improvements as well as helping to obtain grant funding from the Alamo Area Council of Governments (AACOG) and the Texas Commission on Environmental Quality (TCEQ) and also the Edwards Aquifer Authority (EAA). Avery also initiated and had oversight of the City's backflow management program. When his sons were young, Avery was a youth sports coach. Avery is also an avid collector. He is a naturally quiet person until the subject of history is the topic. No one outdoes Avery and his vast knowledge of historical people and events.

TRACY WOODY

GENERAL SERVICES

Tracy Woody will be retiring in December 2023 after fifteen years of service. Tracy started with the City in the Parks department in 2008, but quickly moved to take on other projects as well. Tracy's work has made him easily

recognized by many due to his assistance and work at most of the City sponsored events. Among many of his assigned duties, Tracy helped maintain the drainage rights of ways, regularly operated the street sweeper, and created and maintained the majority of the City's residential street signs. In 2014, the legislature requirement for street signs changed and Tracy took on the task of changing each City street sign over a four-year period. Tracy's wife Margo retired several years ago and no doubt the two of them have some spectacular adventures awaiting them. As a couple, the love spending time fishing, car racing, and attending all sorts of music events.



BLAKE PARTRIDGE

UTILITIES SUPERINTENDENT



Blake will be retiring in January 2024 after thirty-four years of service. Blake started his career with Universal City in 1989 as the Utility Serviceman for twelve years, then as the Utility Inspector for two years before serving as the Utility Superintendent for the last twenty years. As the Public Works Utility Superintendent, Blake has competed for the best tasting water in the state of Texas where he won 7 "Best Tasting Ground Water" awards in the State from the Texas Water Utility Association! He then set his sights on the American Water Works Association (AWWA) for their "Best Tasting Water in Texas" award in 2015. Once again,

the City water department won the best tasting water award for the State of Texas by the AWWA. Blake represented Universal City at the national competition in Anaheim, California where Universal City water department came in 2nd place in the nation for "Best Tasting Water". Blake has also served 13 years on the Northeast Partnership as the representative on the Metropolitan Planning Organization (MPO) for the Technical Advisory Committee. During his tenure with the MPO, he was able to secure funds for several road projects for Universal City and neighboring communities. Projects included FM 1518, from IH-10 over to IH-35; the Kitty Hawk Road project, from Universal City Boulevard to Toepperwein Road; and the recent E. Aviation road project. In the last thirteen years, Blake was successful in assisting the Northeast Partnership community members with over \$70 million in road projects. In his spare time, Blake races motorcycles, competes in tractor pulls, frequents country music shows, and is always on the go with his wife Ivey, daughter Madison, and his "little buddy" grandson Carter.

RAY PEREZ

GENERAL SERVICES SUPERINTENDENT

Ray Perez will be retiring in February 2024 after 35 years of dedicated service. Ray came to work for Universal City in 1989 with extensive experience as an equipment operator for Parks Maintenance. He very quickly moved up to the Leadman position within the Street Department. Ray did a



small stint as the interim Public Works Director and was then promoted to the Streets and Parks Superintendent position for the last 22 years. Ray has a calm and steady demeanor and has diligently trained and overseen as many as fifteen crewmen at a time. Ray is an avid golfer, outdoorsman, a DIY guy, and a modern day "MacGyver" with his unconventional problem-solving skills. Papa Ray has seven grandsons and one granddaughter.

Husband Ray loves to travel with his wife Sheila. They go camping, fishing, and enjoy all that nature has to offer.

Service to others is a major component of the success of Universal City. The Mayor, Councilmembers, fellow team members, and residents would like to thank Avery, Tracy, Blake, and Ray for their many dedicated years of service. Individually and collectively the imprint they will leave on Universal City is phenomenal. Thank you for your dedication and desire to serve!

MINUTES
CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Wednesday, 02 January 2024

1. **CALL ORDER:** Mayor John Williams at 6:30 P.M.

2. **QUORUM CHECK and VOTE TO CONSIDER THE EXCUSE OF ABSENT MEMBERS (if applicable):**

Maribel Garcia, Deputy City Clerk

Present:

Mayor John Williams
Mayor Pro Tem Goolsby
Councilmember Ashton Bulman
Councilmember Christina Fitzpatrick
Councilmember Phil Vaughan
Councilmember Steven Buck

Staff Present:

Kim Turner, City Manager
Megan Santee, City Attorney
Kristin Mueller, City Clerk
Michael Cassata, Development Services Director
Randy Luensmann, Public Works Director
Maribel Garcia, Deputy City Clerk

Absent:

Councilmember Paul Najarian

Mayor Williams noted a quorum was present.

Mayor Williams explained that Councilmember Najarian's absence was due to a family visit with restrictive scheduling.

Mayor Pro Tem Goolsby moved to excuse the absence. Councilmember Buck seconded the motion.

Vote: Yeas: Goolsby, Buck, Bulman, Fitzpatrick, Vaughan
Nays: None

Motion to approve carried.

3. **INVOCATION and PLEDGE OF ALLEGIANCE:**

Councilmember Bulman gave the invocation. Mayor Williams led the Pledge of Allegiance to the United States and Texas flags.

5. **CITIZENS TO BE HEARD:**

- Tom Maxwell, 1281 Cibolo Trail, stated that he understood Mayor Williams planned to step down as Mayor this year. Mr. Maxwell stated his intentions to run for Mayor in Mayor William's place.

6. **ANNOUNCEMENTS:**

a. **CITY MANAGER'S ANNOUNCEMENTS:**

Mrs. Turner announced Councilmember Bulman's two requested agenda items would be placed the following agendas, one on the next agenda along with the City Council Message Board agenda item, and the second regarding utility deposits on the February 6th agenda.

b. MAYOR’S ANNOUNCEMENTS:

Mayor Williams reminded Council of a ribbon cutting Saturday, January 6th, for Intensity Soccer. He announced that after 24 years of service to the City of Universal City he intended to step down from the Mayorship to retire. He expressed his appreciation for everyone who served with him on Council and wished everyone the best during the upcoming election. He also announced that City Clerk and Economic Development Director Kristin Mueller would be leaving her positions in the City for a position in Seguin. He thanked her for and lauded her time and work in the City.

c. COUNCILMEMBERS’ ANNOUNCEMENTS:

Mayor Pro Tem Goolsby wished everyone a Happy New Year.

Councilmember Buck wished everyone a Happy New Year and thanked Mayor Williams for his service to the City. He stated he would be comfortable leaving the City in Mr. Maxwell’s capable hands. He thanked Ms. Mueller for her time and contributions to the City.

Councilmember Bulman wished everyone a Happy New Year and a good 2024.

Councilmember Fitzpatrick wished everyone Happy New Year and echoed the sentiments of Councilmember Buck regarding the Mayor and Ms. Mueller’s departure from the City.

Councilmember Vaughan noted a citizen that expressed appreciation for the Animal Care and Control staff as well as an unnamed police officer who assisted the citizen with an animal control issue. He thanked the Mayor and Ms. Mueller for their service to the City.

7. CONSENT AGENDA:

Councilmember Bulman moved to approve the following Consent Agenda items:

- a) Consider the minutes of the Tuesday, December 19, 2023 Regular Meeting.

Councilmember Fitzpatrick seconded the motion.

**Vote: Yeas: Bulman, Fitzpatrick, Goolsby, Buck, Vaughan
Nays: None**

Motion to approve carried.

8. ACTION ITEMS:

B. Consider Bid Acceptance of the CDBG Ivy Lane Street and Drainage Improvements.

Mrs. Turner explained this project was grant funded through a Community Development Block Grant awarded to the City after Council approval of the City’s application. She explained the Ivy Lane Street drainage path and project scope. She confirmed the requested amount for approval was \$667,739.78 based on the base bid for the project.

Mayor Pro Tem Goolsby moved to approve the acceptance of the Bid for the CDBG Ivy Lane Street and Drainage Improvements. Councilmember Bulman seconded the motion.

Vote: Yeas: Goolsby, Bulman, Buck, Fitzpatrick, Vaughan

Nays: None

Motion to approve carried.

N. T. 1. Executive Session:

- a) Pursuant to Texas Gov't Code Sec. 551.072 regarding the purchase and value of real property if deliberation in open session would have a detrimental effect on the position of the corporation in negotiations with a third party; and for attorney consultation pursuant to Sec. 551.071(2); regarding the 43 acres of vacant, undeveloped property owned by the City of Universal City (33.3 acres) located at Loop 1604 and Byrd Boulevard.
- b) Reconvene in Open Session and take action, if needed, on any item pertaining to or listed in the Executive Session section of this Agenda.

Mayor Williams began the Closed Session at 6:44 P.M.

Mayor Williams convened into Closed Session with present City Council Members, City Manager Kim Turner, City Attorney Megan Santee, City Clerk/Economic Development Director Kristin Mueller, Development Services Director Michael Cassata, and Public Works Director Randy Luensmann.

Mayor Williams and the City Council reconvened into Open Session at 6:55 P.M. No action was taken during the Closed Session.

Councilmember Fitzpatrick moved to approve the Letter of Intent and authorize the Mayor and Mr. Crow, Chair of the EDC Board of Directors, to sign said documents. Councilmember Bulman seconded the motion.

**Vote: Yeas: Bulman, Fitzpatrick, Goolsby, Buck, Vaughan
Nays: None**

Motion to approve carried.

Mayor Williams noted that he forgot to mention a book by Dr. Eric Reno, the first President of Northeast Lakeview College, which he planned to read.

9. ADJOURNMENT: Mayor Williams adjourned the meeting at 6:57 P.M.

APPROVED:

John Williams, Mayor

ATTEST:

Kristin Mueller, City Clerk

CITY OF UNIVERSAL CITY

Date: 1/9/2024

TO: City Council**FROM:** Kim M. Turner, City Manager**SUBJECT: Public Hearing: P.C. 596 (SU 017)**— A request for a **Specific Use Permit** at 320 Kitty Hawk Road, Suites 108 & 109 (CB 5053N BLK LOTS 5 & 6 SCHLUETER SUBD UT-3) to allow an Administrative and Business Offices use in the C3-Commercial Services District, per zoning ordinance 581.**SUBJECT: Ordinance No. 655-M-2024 (PC 596 SU 017)**— A **Specific Use Permit** at 320 Kitty Hawk Road, Suites 108 & 109 (CB 5053N BLK LOTS 5 & 6 SCHLUETER SUBD UT-3) to allow an Administrative and Business Offices use in the C3-Commercial Services District, per zoning ordinance 581.**Historical Background**

320 Kitty Hawk Road, Suites 108 & 109, are located in the southern-most building within a cluster of commercial buildings at the intersection of Kitty Hawk Road and Pat Booker Road behind Taco Cabana and O'Reilly Auto Parts. Ms. Valerie Burton, the applicant, is proposing to establish a residential cleaning services company at this location with the potential to expand to commercial businesses. The two suites would be used for office and clerical work related to the business. The Zoning Code allows Administrative and Business Offices use types in the C3-Commercial Services District as a Specific Use. As such, Ms. Burton is requesting a **Specific Use Permit** to allow a residential cleaning services company to occupy Suites 108 & 109.

The Council is reminded that a SUP applies only to suites 108 & 109 and is only applicable to Ms. Burton's cleaning business. Any future proposed cleaning businesses at this location would have to obtain their own SUP via the Planning & Zoning Commission and City Council. Thirteen (13) notices were sent out to surrounding property owners; none were returned. No one spoke "for" or "against" the proposed SUP at the Planning & Zoning Public Hearing. The members of the Planning & Zoning Commission unanimously approved the SUP and forwarded the SUP request to City Council for its final determination.

Action Requested

City Council will need to conduct a **Public Hearing** on the SUP and then make a final consideration on the **SUP Ordinance**; Ord 655-M-2024, attached. Per the City Charter, an Ordinance will require two readings.

Procurement Methodology

This is a zoning procedure only and requires no procurement by the City.

Source and Amount of Funding

This is a zoning procedure only and requires no funding by the City.

Staff Recommendation

Staff recommends approval of the SUP for a cleaning business at 320 Kitty Hawk Road, Suites 108 & 109.

320 KITTY HAWK ROAD

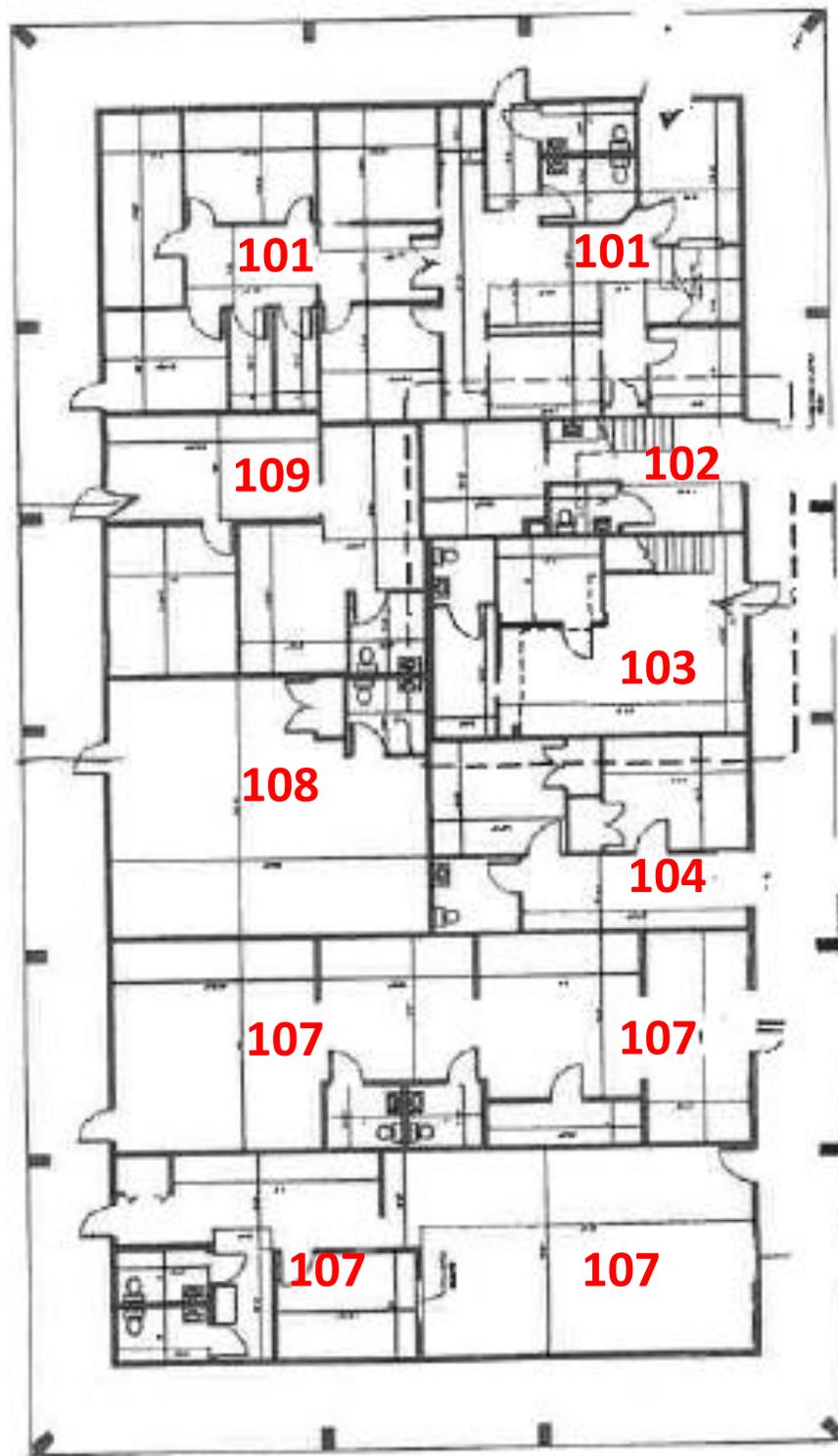
AERIAL MAP



320 KITTY HAWK ROAD – FLOOR PLAN

SUITES

- 101 - SALON
- 102 - VACANT
- 103 - VACANT
- 104 - LUCKY SPIN
- 105 - NOW 107
- 106 - NOW 107
- 107 - LUCKY SPIN
- 108 - VACANT
- 109 - VACANT



Use	C1	C2	C3	C4	C5
Administrative and business offices.	P	S	S	P	P
Offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, photocopy and reproduction, and business offices or public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.					
Agricultural sales and services.	-	-	-	S	-
Establishments or places of business engaged in sale (from the premises) of feed, grain, fertilizers, pesticides and similar goods or in the provision of agricultural related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, feed and grain stores and tree service firms.					
Automotive washing.	S	-	P	P	-
Washing and cleaning of automobiles and related light equipment. Typical uses include auto laundries or car washes, not collocated with a gas station.					
Gas station.	S	-	P	S	P
An establishment for retail sale of petroleum products collocated with a local convenient store. Local convenient store collocation is required. May also be collocated with automotive washing with automotive washing as a secondary or ancillary use.					
Commercial off-street parking.	S	S	S	S	-
Parking of motor vehicles on a temporary basis within a private-owned off-street parking facility, other than accessory to a principal use. Typical uses include commercial parking lots or parking garages.					
Automotive rentals.	-	-	S	S	S

Motion to Approve:

PC 596 (SU 017)

After conducting a public hearing on the request for a Specific Use Permit for the property at 320 Kitty Hawk Road, Suites 108 & 109 and receiving the Planning and Zoning Commission's recommendation, City Council has considered the request and moves to approve PC 596 and SU 017 and to grant a specific use permit to Valerie Burton to allow an Administrative and Business Offices use in the form of a cleaning business at 320 Kitty Hawk Road, Suites 108 & 109.

ORDINANCE NO. 655-M-2024 (PC 596 SU 017)
(320 Kitty Hawk Road, Suites 108 & 109)

AN ORDINANCE APPROVING A SPECIFIC USE PERMIT TO VALERIE BURTON FOR AN ADMINISTRATIVE AND BUSINESS OFFICES USE IN THE FORM OF A CLEANING BUSINESS IN A C3-COMMERCIAL SERVICES DISTRICT ON PROPERTY LOCATED AT 320 KITTY HAWK ROAD, SUITES 108 & 109, UNIVERSAL CITY, TEXAS (CB 5053N BLK LOTS 5 & 6 SCHLUETER SUBD UT-3); PROVIDING FOR NON-SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 4-5-54 of the Code of Ordinances, City Council may approve an application for a Specific Use Permit to provide some flexibility to traditional zoning by offering a mechanism to balance specific site constraints and development plans with the larger interest of the community and the integrity of the Zoning Ordinance; and

WHEREAS, as described in Section One of this Ordinance, an application has been made for a Specific Use Permit; and

WHEREAS, the Zoning Table of Uses authorizes City Council to issue the Specific Use Permit; and

WHEREAS, after proper delivery of notice, the Planning and Zoning Commission conducted a public hearing on the application for the Specific Use Permit on January 8, 2024; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation in favor of the application for the Specific Use Permit and made the findings required by Section 4-5-54 of the Code of Ordinances as follows:

- The proposed use is in accord with the objectives of these regulations and the purposes of the district in which the site is located.
- That the proposed use will comply with each of the applicable provisions of these regulations.
- That the proposed use and site development, together with any modifications applicable thereto, will be completely compatible with existing or permitted uses in the vicinity.
- That the conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and ensure compatibility with existing or permitted uses in the same district and the surrounding area, and that the prescribed zoning standards do not provide enough mitigation of the impacts identified, thus warranting stricter standards, if so recommended.
- The Commission has given due consideration to all technical information supplied by the applicant.
- That the proposed use, together with the conditions applicable thereto, will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity; and

WHEREAS, after proper publication of notice and receipt of the Planning and Zoning Commission's recommendation, City Council conducted a public hearing on the application for the Specific Use Permit on January 16, 2024; and

WHEREAS, after conducting a public hearing on the matter wherein the testimony and comments of members of the public were received, City Council made the findings required by Section 4-5-54 of the City Code as set out infra.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

SECTION 1. The recitals set out above are adopted herein for all purposes.

SECTION 2. The application for a Specific Use Permit by Valerie Burton for an Administrative and Business Offices use in the form of a cleaning business in a C3-Commercial Services District on property located at 320 Kitty Hawk Road, Suites 108 & 109, Universal City, Texas (CB 5053N BLK LOTS 5 & 6 SCHLUETER SUBD UT-3), is hereby approved, subject to the conditions set out in Section 3.

SECTION 3. Pursuant to Section 4-5-54 (entitled “Specific Use Regulations”) of Code of Ordinances, the following conditions are imposed:

No conditions are imposed.

SECTION 4. All provisions of the Code of Ordinances of the City of Universal City not herein amended or repealed shall remain in full force and effect.

SECTION 5. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 6. This ordinance is not severable.

SECTION 7. This ordinance will take effect upon its passage, approval and publication as provided by law.

PASSED, on first reading by the City Council of the City of Universal City on this the 16th day of January 2024.

PASSED AND APPROVED, on second reading by the City Council of the City of Universal City on this the 6th day of February 2024.

CITY OF UNIVERSAL CITY, TEXAS
APPROVED

John Williams, Mayor

ATTEST:

APPROVED AS TO FORM:

Maribel Garcia, Deputy City Clerk

Megan R. Santee, City Attorney
Denton Navarro Rocha Bernal & Zech, P.C.

MINUTES
PLANNING AND ZONING COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 08 January 2023

1. CALL TO ORDER: Vice-Chair Cynthia Spurlock at 6:08 P.M.

2. QUORUM CHECK: Michael Cassata, Development Services Director

Commission Members Present:

Mary Andrews, Member
Deborah Hernandez, Member
John Hudson, Member
Linda Sefton, Member
Cynthia Spurlock, Vice-Chair
Devona Trigilio, Member
Diane Woods, Secretary

Staff Present:

Kim Turner, City Manager
Michael Cassata, Development Services Director
Maribel Garcia, Deputy City Clerk

Applicant Attendees:

Valerie Burton, Applicant for Item 2

Absent:

Zack Carlton, Chair

Mr. Cassata noted a quorum was present. He also noted that Ms. Spurlock, Vice-Chair, would preside over the meeting.

3. MINUTES OF THE PREVIOUS MEETING: Regular Meeting – 6 November 2023

Mr. Hudson moved to approve the minutes of the previous meeting. Ms. Hernandez seconded the motion.

The motion was approved unanimously.

4. NEW BUSINESS:

ITEM 1

- A. Public Meeting: P.C. 573 – A request for approval of the Final Plat of Subdivision and related variance being a total of 29.5-Acre tract located at the southeast corner of E. Loop 1604 N. Access Road and W. Byrd Boulevard [CB 5053 P-103 (12.756 AC), P-104 (11.419 AC) & P-105 (5.345 AC) ABS 745], in connection with the proposed PUD 2023-103, per Zoning Ordinance 581.**

Mr. Cassata explained that a preliminary version of this plat had come before the Commission during the PUD process. He clarified the location of the development and stated that the applicant had worked with potential property users, TXDOT, CPS, and Staff. He noted that the applicant was in need of a variance to allow a final plat scale of 1-inch equals 200 feet to keep the plat map on one page. He noted that the motion to approve included a condition requiring Staff approval of any outstanding comments.

Mr. Cassata clarified that the PUD development requirements had not changed. Mr. Cassata and Ms. Sefton discussed the development plan and timeline.

Ms. Sefton moved to open the Public Meeting. Mr. Hudson seconded the motion.

The motion was approved unanimously; Vice-Chair Spurlock opened the Public Meeting at 6:16 P.M.

There being no public comment, Ms. Trigilio moved to close the Public Meeting. Ms. Woods seconded the

motion.

The motion was approved unanimously; Vice-Chair Spurlock closed the Public Meeting at 6:17 P.M.

- B. Consider: P.C. 573 – A request for approval of the Final Plat of Subdivision and related variance being a total of 29.5-Acre tract located at the southeast corner of E. Loop 1604 N. Access Road and W. Byrd Boulevard [CB 5053 P-103 (12.756 AC), P-104 (11.419 AC) & P-105 (5.345 AC) ABS 745], in connection with the proposed PUD 2023-103, per Zoning Ordinance 581.**

Ms. Hudson moved to approve P.C. 573 in accordance with the motion in the agenda packet. The motion stated that after conducting a public meeting on the request for approval of the final plat of subdivision for the Byrd Street Crossing Subdivision at the southeast corner of E. Loop 1604 North Access Road and W. Byrd Boulevard, the Planning and Zoning Commission had considered the request and Ms. Spurlock noted that the motion to approve PC 573 included the following conditions:

1. Staff approval of any outstanding comments.
2. A variance to Section 4-2-28 (c)(1) is granted to allow a final plat scale of 1" = 200'.

Ms. Woods seconded the motion.

The motion was approved on an 8 – 0 vote.

ITEM 2

- A. Public Hearing: P.C. 596 (SU 017)— A request for a Specific Use Permit (SUP) at 320 Kitty Hawk Road, Suites 108 & 109 (CB 5053N BLK LOTS 5 & 6 SCHLUETER SUBD UT-3) to allow an Administrative and Business Offices use in the C3-Commercial Services District, per Zoning Ordinance 581.**

Mr. Cassata explained the location of the two suites for which the applicants were requesting a SUP. The business would be a residential cleaning business. He explained that the item would be presented for Council consideration on January 16th.

Vice-Chair Spurlock clarified that a SUP is specific to a tenant and is not tied to the property after a tenant leaves. Mr. Cassata concurred.

Ms. Woods moved to open the Public Hearing. Mr. Hudson seconded the motion.

The motion was approved unanimously; Vice-Chair Spurlock opened the Public Hearing at 6:21 P.M.

Ms. Burton, the applicant, stated that both she and her husband were army veterans. This new business is their next chapter after retiring from service. They expressed their excitement to be part of the community.

The Commission and Ms. Burton discussed specifics regarding business planning; the business would be a franchise and would employ six maids. The maids would work in teams of two. Ms. Burton would like to expand to the point where they would hire a manager and expand their services to commercial cleaning.

Ms. Trigilio confirmed that the cleaning supplies would be stored on only three shelving units and would be eco-friendly and non-combustible.

With no further public comment, Ms. Woods moved to close the Public Hearing. Mr. Hudson seconded the motion.

The motion was approved unanimously; Vice-Chair Spurlock closed the Public Hearing at 6:26 P.M.

- B. Consider: P.C. 596 (SU 017)— A request for a Specific Use Permit at 320 Kitty Hawk Road, Suites 108 & 109 (CB 5053N BLK LOTS 5 & 6 SCHLUETER SUBD UT-3) to allow an Administrative and Business Offices use in the C3-Commercial Services District, per Zoning Ordinance 581.**

Mr. Hudson moved to approve P.C. 596 (SU 017) in accordance with motion language in the agenda packet. The motion stated that per section 4-5-54 of the Zoning Code, no specific use shall be recommended for approval by the Planning and Zoning Commission unless it has made findings, based upon the evidence presented at the public hearing, to support the conclusions identified in Section 4-5-54(4) of the Zoning Code. Having done so, Mr. Hudson, therefore, moved to recommend approval of PC 596 (SU 017) and to grant a Specific Use Permit to allow an Administrative and Business Offices use in the form of a residential cleaning services company at 320 Kitty Hawk, Suites 108 & 109, to Ms. Valerie Burton.

Ms. Trigilio seconded the motion.

The motion was approved on an 8 – 0 vote.

5. CITY MANAGER'S REPORT:

Ms. Turner shared that the annual accomplishments report would be presented during the January 16th City Council meeting. She announced that City Clerk and Economic Development Director, Kristin Mueller, would be leaving the City to take a position in the City of Seguin. She would be closer to family this way. Ms. Turner also announced that Zack Carlton was moving after a long search for a home in Universal City. Unfortunately, a home in Universal City was not found and he and his family would be moving out of the City, thereby ending his term on the Planning and Zoning Commission.

Mr. Cassata explained that with nothing concrete planned for upcoming Planning and Zoning agendas, the Election of Officers could wait until the next term scheduled for August 1st. He explained the line of succession and stated Vice-Chair Spurlock would reside over the next set of meetings, if needed, before the next term.

Mr. Cassata also answered questions regarding development near FM 1976. He also gave notice that the Commission is anticipated to hear Zoning Cases regarding the Reunion development project in Northlake. He gave a brief overview of the project.

Ms. Turner reported that the Development Services Update presented before City Council would be presented at the January 17th Citizens' Police Academy meeting.

- 6. ADJOURNMENT:** Vice-Chair Spurlock adjourned the meeting at 6:37 P.M.

Cynthia Spurlock
Vice-Chair

CITY OF UNIVERSAL CITY

Date: 01/16/2024

TO: City Council
FROM: Kim M. Turner, City Manager
SUBJECT: 2024 Personnel Policy and Procedures Manual

Historical Background

In 2019, the City adopted the current Personnel Policy and Procedures Manual. Since that time, twelve amendments have been made to the policy. The recent Texas Legislative session requires significant revisions to the Policy as it relates to Peace Officer Mental Health, Accommodations for Pregnant Workers, Lactation Breaks, Quarantine Pay for First Responders, and a few other small changes. These items have been incorporated into the 2024 Policy. Most amendments made since 2019 are incorporated within the 2024 Policy as well. Those amendments are as follows:

895-A-2019	2019 Policy w/o Amendments		895-G-2022	Tuition Reimbursement Policy
895-B-2020	Remote Work Policy		895-H-2022	Step Increases
895-F-2021	Holiday Pay		895-I-2022	2023 Retiree Health Benefits
895-F-2022	Longevity Pay		895-J-2023	2024 Retiree Health Benefits

Underutilized sections of the 2019 Policy and amendments NOT incorporated into the 2024 Policy are as follows:

895-A-2019	Sick Leave Pool (never used)		895-C-2020	COVID Emergency Dependent Care Flex Work Policy
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Two amendments are being retained, but not incorporated in the 2024 Personnel Policy. These policies will be incorporated into the forthcoming Purchasing Policy Manual.

895-D-2020	Purchase Card Policy		895-E-2021	Fuel Card Policy
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Action Requested

Approve and adopt the 2024 Personnel Policy and Procedures Manual

Procurement Methodology

This is a Policy only and requires no procurement by the City.

Source and Amount of Funding

The Policy itself requires no funding. Any related budgetary items within the Policy are identified within the City’s annual budget.

Staff Recommendation:

Approve and adopt the 2024 Personnel Policy and Procedures Manual

RESOLUTION 895-K-2024

A RESOLUTION REPEALING RESOLUTIONS 895-A-2020, 895-B-2020, 895-C-2020, 895-F-2021, 895-F-2022, 895-G-2022, 895-H-2022, 895-I-2022, AND 895-J-2023 IN THEIR ENTIRETY; ADOPTING A 2024 PERSONNEL POLICY AND PROCEDURES MANUAL FOR THE CITY OF UNIVERSAL CITY; ESTABLISHING LEGISLATIVE FINDINGS; PROVIDING AMENDMENTS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Universal City (the “City”) is a Home Rule municipality possessing the full power of local self-government, pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, as amended, and the City’s Home Rule Charter; and

WHEREAS, the City of Universal City, Texas is authorized by Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code, as amended, and the City’s Home Rule Charter to adopt regulations to promote good governance and to amend said regulations when the City Council finds that it is in the best interest of the City to do so; and

WHEREAS, the City Council finds that it is in the best interest of the City to adopt a 2024 Personnel Policy and Procedures Manual to comport with new employment legislation, to combine any subsequent revisions to the 2019 Personnel Policy Manual into one document, and, after following the procedures set forth in City’s Home Rule Charter and Code of Ordinances, adopted these changes through official Council action; and

WHEREAS, the City Council hereby finds and determines that it is necessary to formally adopt the 2024 Personnel Policy and Procedures Manual referenced herein by resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

SECTION 1.

THAT the 2024 Personnel Policy and Procedures Manual as fully attached hereto and all actions taken by the City Council of the City of Universal City to in accordance with the Code of Ordinances of the City to repeal, adopt and amend such policies are hereby adopted, approved and RATIFIED as to the City’s 2024 Personnel Policy and Procedures Manual.

SECTION 2.

THAT all provisions of the Personnel Policy and Procedures Manual of the City of Universal City not herein amended or repealed shall remain in full force and effect.

SECTION 3.

THAT all other resolutions, or parts of resolutions in conflict herewith are hereby repealed to the extent that they are in conflict.

SECTION 4.

THAT if any provisions of this resolution shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

SECTION 5.

THIS resolution will take effect upon its passage, approval and publication as provided by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Universal City on this the 16th day of January 2024.

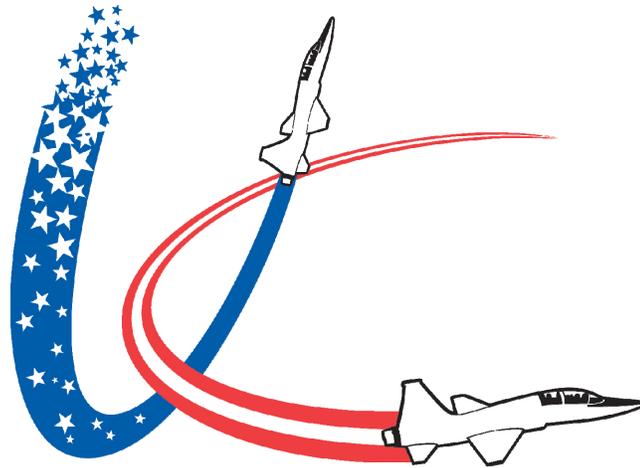
**CITY OF UNIVERSAL CITY, TEXAS
APPROVED:**

ATTEST:

John Williams, Mayor

Kristin Mueller, City Clerk

**PERSONNEL POLICIES AND
PROCEDURES MANUAL**



UNIVERSAL CITY
Gateway to Randolph AFB Est. 1960

The City of Universal City
2150 Universal City Blvd
Universal City, Texas 78148
(210) 659-0333

Adopted: October 2003;

**Revised: February 2009;
March 2019;
May 2020;
June 2021;
December 2021;
October 2022;
January 2023;
January 2024**

NOTICE TO EMPLOYEES

The City of Universal City operates under the legal doctrine of “**employment-at-will**” and, within requirements of state and federal law regarding employment, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. These personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. Nothing in these policies is intended to alter the continuing at-will status of employment with the City. The City has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to the City means the City of Universal City, Texas.

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WELCOME TO THE CHALLENGE OF PUBLIC SERVICE

The City of Universal City is glad to have you on the team of public servants that make up the City's municipal government. From elected officials to temporary employees, our job is to serve our fellow neighbors. As a City employee, you have a responsibility to the citizens of the City. How well you do your work and how you conduct yourself on the job are subject to public approval. Your contact with citizens will often be the only basis on which the City's government is judged. Therefore, our objective is to provide the best possible service to the citizens in an efficient, fair, and courteous manner.

This Personnel Policies Manual is intended to provide guidance on how we work as a team to provide that public service. Whether you are a new or experienced employee, this manual will give you facts about the City, how it works, and the policies that govern us as employees.

These personnel policies and procedures are adopted by the City Council, are subject to regular review, and may be updated or changed from time to time.

Each department may have additional policies governing its employees. Be sure to check with your supervisor or department head to see which additional policies, if any, are applicable to you. If you need more details on the Citywide policies and procedures, please consult your department head or the Human Resources Department.

Sincerely,

The Mayor and the City Council of the
City of Universal City

CITY OF UNIVERSAL CITY'S GOVERNMENTAL ORGANIZATION

The City of Universal City operates as a home rule City that has adopted the Council-manager form of government under the laws of the State of Texas. The City is governed by the City Council, which is composed of six Council members and a mayor elected for staggered two-year terms. The mayor is the presiding officer of the City Council and may vote only in the event of a tie. The City Council acts primarily through the passage of local laws, called ordinances, which establish rules governing the actions of citizens and the work of City employees.

The City charter establishes the office of City Manager and delegates to the City Manager duties and powers necessary for the efficient day-to-day administration of the City's affairs.

The City Manager appoints and may suspend or remove all or any of the employees or appointed officers (department heads) of the City with the exception of the judge of the municipal court, the City attorney, and the City clerk.

The City of Universal City provides services to the public which include roads and streets; police and fire protection; building inspection; water supply; City parks; public library; control of stray animals; and any other services authorized by the City Council. In addition, City employees are involved in performing judicial functions in the municipal court; assessing and collecting municipal fees for utility and other City services; and providing staff support and legal advice to the City Council and to any other officially appointed citizen groups.

We hope that you, as an employee, will learn as much as you can about all of these services and activities so that you can coordinate your work effectively with that of other City employees and so that you can answer questions from the public.

CITY OF UNIVERSAL CITY PERSONNEL POLICIES AND PROCEDURES MANUAL

1.00 GENERAL POLICIES

1.01 AUTHORITY

These policies are established by the City Council, and any deletions, amendments, revisions, or additions of substance to the policies must be approved by the Council. These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the City Council.

General and final authority for personnel administration rests with the City Manager, or his/her designee, with the exception of matters reserved to the City Council by state law or the City charter. Authority may be delegated to appropriate staff members to act on the City Manager's, or his/her designee's, behalf in the administration of these policies; however, the final authority on personnel decisions shall be reserved to the City Manager, or his/her designee. Operational changes to any policy, practice, or process will require approval by the City Manager, or his/her designee.

In addition to these personnel policies, department heads may establish departmental rules and regulations that relate specifically to their departments, as long as they do not conflict with these policies. Departmental rules are important and employees must comply with them. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, will prevail. Additionally, departmental rules and regulations must be approved by the City Manager, and a copy should be provided to the Human Resources Department.

City of Universal City department heads and/or supervisors are not authorized to modify these policies for any employee or to enter into any agreement, oral or written, in conflict with these policies.

1.02 SEVERABILITY

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this shall not affect the validity of the remaining provisions or parts of provisions, which shall remain in force and effect.

1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES

The City Manager, or his/her designee, is ultimately responsible for the administration of the personnel policies and procedures. The human resources department is responsible for the day-to-day administration of these policies and procedures.

With the exception of matters of appointments and any other personnel actions reserved to the City Council by statute or ordinance, final authority on appointments and personnel decisions is reserved to the City Manager, or his/her designee. In accordance with the terms of the City charter, the City Council appoints and may remove the City Manager, or his/her designee, City attorney, municipal judge, and City clerk. Department heads, referred to in these policies as department heads, are appointed by the City Manager, or his/her designee.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City employees whom the manager or any of his or her subordinates is authorized to appoint.

1.04 PURPOSE OF PERSONNEL POLICIES

These policies set forth the primary rules governing employment with the City. The policies contained here inform employees of the benefits and obligations of employment with the City. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors that will result in high quality public service to the citizens of the City.

1.05 APPLICABILITY OF PERSONNEL POLICIES

These personnel policies and procedures apply equally to all employees of the City unless a class of employees is specifically exempted; the provisions of these policies may be varied in the case of an employee with a written employment agreement approved by the City Council. The following are not employees covered by the terms of these policies: City attorney, municipal judge, and persons performing community service work for the City in lieu of jail time.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary to comply.

1.06 DISSEMINATION OF PERSONNEL POLICIES

The human resources department maintains the official set of the personnel policies, with all revisions, for reference by employees, and is responsible for providing a complete copy of this manual and copies of all subsequent revisions or policy changes to each employee. If a question arises about a particular policy, the official set of policies in the human resources department, as well as approved individual departmental policies, should be consulted.

As a part of the initial orientation process, human resources personnel will provide a copy of the *Personnel Policies and Procedures Manual* to new employees. This copy is the employee's to keep. Upon receipt of the personnel policies and before beginning work on the job, each employee is required to sign an acknowledgment that he or she has received a copy of the *Personnel Policies and Procedures Manual* and understands that he or she is responsible for knowing the contents. The signed acknowledgment is filed in the employee's official personnel file in the human resources department.

Departments with policies approved by the City Manager but not appearing in this manual should have new employees sign an acknowledgment during their departmental orientation. A copy of the approved policies and signed acknowledgements should be provided to the human resources department.

1.07 AT WILL EMPLOYMENT

Employment with the City is for no fixed or definite term. All employment by the City has been, and continues to be, at-will, except those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any

time, with or without notice, and with or without cause. These personnel policies do not constitute a contract of employment. Nothing in these policies is intended to alter the continuing at-will status of employment with the City.

1.08 EQUAL EMPLOYMENT OPPORTUNITY

The City of Universal City is an equal opportunity employer. It is the policy of the City to prohibit discrimination based on race, age, sex, religion, color, disability, national origin, genetics, veteran's status, or other unlawful basis in job structuring, recruitment, examination, selection, appointment, rate of pay, training, awards, compensation and benefits, promotion and transfer, disciplinary measures, or any other aspect of employment.

An employee will not engage in conduct at work that involves the use of racial or ethnic joking or the use of derogatory or discriminatory remarks. Reports of such conduct will be investigated, and, if appropriate, disciplinary action will be taken, up to and including termination of employment.

The City prohibits retaliation or discrimination against any employee for opposing an unlawful or discriminatory employment practice, or for alleging such a practice or participating in an investigation of an allegation of discrimination.

(Legal reference: U.S. Civil Rights Acts of 1871 and 1964, as amended; Lilly Ledbetter Fair Pay Act of 2007; Genetic Information Nondiscrimination Act of 2009; V.T.C.A. Civil Practices and Remedies Code, Chapter 106; Texas Commission on Human Rights Act, V.T.C.A. Government Code, Sec. 461; V.T.C.A. Labor Code, Chapters 21-22; U.S. Age Discrimination in Employment Act of 1967, as amended; U.S. Rehabilitation Act of 1973, as amended; U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008; U.S. Executive Order 11246; U.S. Equal Pay Act; V.T.C.A. Health and Safety Code, Chapters 592.)

1.09 AFFIRMATIVE ACTION

The City of Universal City will take affirmative action to ensure that applicants and employees are treated without discrimination based on race, age, sex, religion, color, disability, national origin, or political affiliation or belief. In addition, the City will seek actively to include qualified members of minority, disabled, and Vietnam-era veteran groups in applicant pools. *(Legal reference: U.S. Executive Order 11246; U.S. Rehabilitation Act of 1973, Section 503; U.S. Vietnam Era Veterans' Readjustment Assistance Act of 1974, Section 2012, codified as Title 38, U.S.C. Chapter 42, Sections 2011, et seq.)*

1.10 SEXUAL AND OTHER UNLAWFUL HARASSMENT

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

Sexual Harassment. All types of sexual harassment are prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or

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

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

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

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

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

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

Mandatory Reporting. The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- The department head;
- The human resources department; or
- The City Manager, or his/her designee.

Any supervisor, manager, or department head who becomes aware of possible conduct prohibited by this policy must immediately advise the department head, City Manager (or his/her designee), and /or the

human resources department. A formal complaint form is available from the human resources department.

Under this policy, an employee may report to and/or contact the human resources department directly, without regard to the employee's normal chain of command.

Under this policy, voice messages or e-mails may be left at any time.

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

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

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

(Legal reference: Title VII of the U.S. Civil Rights Act, Section 703, as interpreted by EEOC: Sex Discrimination Guidelines, Section 1604.11; Meritor Savings Bank v. Vinson, U.S. Supreme Court, 1986; the Lilly Ledbetter Fair Pay Act of 2007; and the Genetic Information Nondiscrimination Act of 2009.)

1.11 PERSONS WITH DISABILITIES

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

The City will provide reasonable accommodation to the known physical or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by the human resources department.

An employee who has a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact their department head, the City's human resources department, and the City Manager, or his/her designee.

(Legal Reference: U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008.)

Reasonable Accommodations for Pregnant Workers

As required by the federal Pregnant Workers Fairness Act (PWFA), the City of Universal City will provide reasonable accommodations to employees and applicants with limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause undue hardship to the City of Universal City's operations.

An employee or applicant may request accommodation due to pregnancy, childbirth or a related medical condition by submitting the request in writing to human resources (HR). The accommodation request should include an explanation of the pregnancy-related limitations, the accommodation needed and any alternative accommodation(s) that might be reasonable. Depending on the nature of the accommodation, the individual may be requested to submit a statement from a health care provider substantiating the need for the accommodation.

Upon receipt of a request for accommodation, HR will contact the employee or applicant to discuss the request and determine if accommodation is reasonable and can be provided without significant difficulty or expense, i.e., undue hardship.

While the reasonableness of each accommodation request will be individually assessed, possible accommodations include allowing the individual to:

- Sit while working.
- Drink water during the workday.
- Receive closer parking to work facility.
- Have flexible hours.
- Receive appropriately sized uniforms and safety apparel.
- Receive additional break time to use the bathroom, eat and rest.
- Take time off to recover from childbirth.
- Be excused from strenuous activities and/or activities that involve exposure to compounds deemed unsafe during pregnancy.

An employee may request paid or unpaid leave as a reasonable accommodation under this policy; however, the City of Universal City will not require an employee to take time off if another reasonable accommodation can be provided that will allow the employee to continue to work.

The City of Universal City prohibits any retaliation, harassment or adverse action due to an individual's request for accommodation under this policy or for reporting or participating in an investigation of unlawful discrimination under this policy.

1.12 POLICY CHANGES

The City reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies or procedures contained herein with the approval of the City Council. In addition, the City Manager, or his/her designee, and City attorney may conduct a review of the policies contained in this manual and submit any necessary or recommended changes to the City Council for approval.

All employees must become familiar with and abide by these policies, requesting clarification or assistance when needed. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) in writing to his or her department head for consideration.

Department heads and employees are provided copies of changes to these personnel policies, either electronically or in hard copy, by the human resources department as soon as practicable.

2.00 EMPLOYEE RESPONSIBILITIES

2.01 GENERAL EMPLOYEE RESPONSIBILITIES

The City is a public tax-supported organization. All City employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct.

Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their part in maintaining good relationships with the public, their supervisors, City officials, and their fellow employees.

2.02 PROFESSIONAL APPEARANCE, DRESS AND UNIFORMS

Employees must always dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. In departments not requiring uniforms, the City allows business casual dress in the workplace year-round, in accordance with this policy. Department heads are strongly encouraged to allow employees that are not required to wear uniforms to participate in business casual dress, as practical. Department heads and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events.

The following are NOT appropriate:

- Provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics;
- Clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- Wrinkled, ripped and tattered clothing;
- All visible tattoos which could be deemed offensive as determined by the department head;
- Nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry, including "gauged" earrings that cause large holes in the earlobe must be covered by skin neutral colored plugs;
- Any clothing, jewelry, tattoos, or other visible items deemed inappropriate by the department head.

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

Uniforms. The City supplies many personnel with appropriate uniforms as determined by the department head. Employees in jobs that require a uniform will be informed by their department head when they are eligible to receive a uniform and how and where uniforms can be obtained.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them neat, clean and in serviceable condition. The City will provide replacement uniforms due to normal wear and tear or when damaged in the course of performing job duties. Damage caused while an employee is off duty, or due to neglect or carelessness of the employee, will be replaced at the employee’s expense.

An employee must wear the entire uniform when on duty. No part of the uniform shall be worn by itself. No part of the uniform shall be worn when off duty, except to and from work and City related events. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. Pictures or videos of employees in City uniforms may not be posted to any form of social media, printed media, digital media or TV without prior written authorization from the department head and City Manager, or his/her designee. City uniforms may be used by employees in connection with off-duty activities or outside employment only with the department head’s prior written authorization.

Below is a list of uniforms and uniform allowances provided by the City of Universal City:

	Issued by City (as applicable to the position)	Clothing allowance / <u>Reimbursement</u>
Building Official Code Enforcement Golf Course Health Official	Uniform items - shirts, pants, belt, boots/shoes, jacket (winter/summer), rain gear, cap, hard hat, required credentials, badges	
Fire Department (Uniformed Personnel)	Uniform/Protective equipment - helmet, coat, pants, gloves, boots, hood, eye protection, pass alarm, self-contained breathing apparatus masks, required credentials, badges, collar insignia, patches, pager and accessories	As approved by the Fire Chief and City Manager, or his/her designee
Police Department (Commissioned Officers)	Uniform/Protective equipment - Rain gear (coat or jacket and pants), body armor (property of the officer after one year), weapon, ammunition, handcuffs, required credentials, badges, cap and rank insignias, and sleeve patches	<u>As approved by the Police Chief and City Manager, or his/her designee.</u> <u>Detectives (Plain Clothes) – Reimbursement is limited to shirts, pants, neckties, jackets, belts, footwear (office appropriate shoes or boots), raincoats, vests carriers, and duty gear. As approved by the Police Chief and City Manager, or his/her designee</u>
Public Works General Services Utilities Animal Control Vehicle Maintenance	Uniform items - shirt, pants, boots/shoes, cap, jackets (winter/summer), protective equipment (rain gear, helmet, rubber boots, gloves, ear protection, eye protection glasses) required credentials (badges, collar insignia, patches, name tag, pager, keys and accessories	

When an employee's employment terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final pay check.

Enforcement. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to the supervisor or department head.

Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

The department head, with approval of the City Manager, or his/her designee, may make departmental exceptions to this policy when deemed necessary for business reasons or to implement a more restrictive dress and appearance policy.

2.03 TIMELINESS

To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment.

In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify his or her supervisor **within 15 minutes before** the time he or she is expected to begin work, as a general rule, unless emergency conditions exist. Advance notification requirements may vary from department to department, depending upon the nature of the work and the need to secure substitute employees to carry on critical City functions.

The employee must disclose to the supervisor whether the absence or tardiness is approved Family Medical Leave (FMLA) or non-FMLA sick leave, and the date and time of anticipated arrival. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement. An employee who does not personally reach the supervisor by phone must leave a detailed message with the information described above.

In most instances, an employee who fails to properly notify the supervisor of an absence or tardiness will be subject to disciplinary action up to and including termination, and failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. An employee who fails to notify the City of an absence of three consecutive days or shifts may be presumed to have voluntarily resigned employment.

In cases where an absence is known in advance, the employee must receive written approval from his or her department head at least 24 hours in advance of the anticipated leave. See the **Leave Time** section of these policies for matters involving planned absences.

2.04 OUTSIDE ACTIVITIES

Written Authorization Required. City employees may engage in outside employment provided they receive prior written approval from both their department head and the City Manager, or his/her designee.

In addition, when an employee's approved outside employment ceases, the employee must notify his or her department head, who must in turn notify the City Manager, or his/her designee.

Outside Jobs Coordinated Through Police Department. Police officers authorized to work part-time jobs coordinated by and through the City's Police Department must perform the outside employment in accordance with applicable Police Department procedures.

Prohibited Activities. Employees will not be permitted to engage in outside employment (including self-employment) or other activities that, as determined by the City Manager, or his/her designee, might discredit the City, result in a conflict of interest or a potential conflict of interest, or adversely affect the employee's job performance.

Workers' Compensation Coverage. Employees are not covered by the City's workers' compensation insurance while working for another employer.

Outside Employment While on Leave or Light Duty Prohibited. Approval for outside employment as set out in this policy does **not** authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, administrative leave, or an unpaid leave of absence, or on restricted or light duty, to engage in any outside employment. Any exceptions must be expressly authorized in writing by the department head and the City Manager, or his/her designee. (*Legal Reference: Family and Medical Leave Act of 1993 (Pub. L. 103-3), as amended.*)

The City accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a City employee.

Use of City vehicles for outside employment within the City limits shall be prohibited except when specifically authorized by the department head and the City Manager, or his/her designee, and then only when necessary for preservation of public safety.

2.05 CONFLICT OF INTEREST, SOLICITATION, GIFTS

Conflict of Interests. No employee of the City may:

- Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City;
- Use City employment, authority, or influence in any manner for personal betterment, financial or otherwise;
- Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee, or that might impair independent judgement in the performance of duties to the City; or

- Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

Solicitation and Acceptance of Gift.

- Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with the express approval of the City Manager, or his/her designee. No employee may be required to make any contribution, nor may an employee be penalized in any way concerning employment, according to the employee's response to a solicitation.
- No employee shall accept or solicit any money, property, service, or other thing of value from a person, business entity or other organization regulated by, contracting with, or having any other business relationship with the City department of which the employee is a member, without prior approval from the department head.
- If a person presents a gift to a City employee as a reward for service or as an act of expressing appreciation, then the employee shall report the gift in writing to the department head and the City Manager, or his/her designee.

Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your department head, the human resources department, or the City Manager's, or his/her designee's, office.

(Legal reference: V.T.C.A., Local Government Code, Section 171; V.T.C.A. Penal Code, Chapter 36).

2.06 SOLICITATION OF FUNDS FOR CITY PROJECTS

At times, projects may be undertaken whereby funds are solicited from private citizens, businesses, and organizations on behalf of the City. Before any solicitation of funds begins, the department head must notify and receive the approval of the City Manager, or his/her designee. Participation on the part of any City employee in a fund raising effort on behalf of the City is strictly voluntary.

2.07 EMPLOYEE FUNDRAISING

City employees are free to engage in fundraising efforts for outside organizations of the employee's choice, but the solicitations shall be made during the employee's non-working hours. (Non-working hours include lunch periods, work breaks, or any other period in which the employee is not on duty.) The employee must not represent himself or herself as a City employee or wear a City uniform when engaged in non-City-sponsored fundraising.

2.08 POLITICAL ACTIVITY

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

- Publicly endorse or campaign in any manner for any person seeking a City public office.
- Use the employee's position or office to coerce political support from employees or citizens.
- Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs, or political campaign of any such candidate; provided nothing herein shall

infringe upon the rights of an employee to seek office himself/herself, express his or her opinions and to cast his or her vote.

- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution, or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law.
- Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment (*e.g.*, City Council for the City of Universal City, Schertz-Cibolo-Universal City ISD, Bexar County, Guadalupe County or other organizations). Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.

2.09 COMMUNICATION

Matters that involve City policy, operations, and organization are brought before the City Council by the City Manager, or his/her designee, or by a person designated to do so by the City Manager, or his/her designee.

An employee may request that a matter be considered by the City Council by submitting the item in writing to his or her department head who will forward the communication to the City Manager, or his/her designee. Final decisions as to what is to be brought forward to the Council from the staff are determined by the City Manager, or his/her designee.

Communication with the public and the media about City issues or problems is the responsibility of the City Council and the City Manager, or his/her designee. Employees are to refer the public and the media to the City Manager, or his/her designee, if a question is non-routine, controversial, or outside of the scope of the employee's normal duties.

Employees may, from time to time, be given directions from persons other than their immediate supervisor. In such cases, other than emergency situations, the department head desiring to utilize an employee from another department must notify the employee's department head about the directive, its purpose, and the relevant facts of the situation, and the employee's department head must authorize the work. Failure to do so in a timely manner may result in disciplinary action.

Except for the purpose of inquiries and investigations specifically authorized under the City charter, the Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, or his/her designee. Neither the Council nor any of its members shall give directions or orders to any City officer or employee, either publicly or privately, unless specifically authorized in the City charter (*City Charter, Sections 3.04 (3) and 3.08*). Employee contact with members of the City Council is limited during working hours to that authorized by the employee's supervisor or department head. However, this shall in no way limit an employee's rights as a citizen to contact a member of the City Council during non-working hours.

2.10 CHAIN OF COMMAND

Individual City employees are responsible to the department head or City Manager, or to a supervisor designated by the department head or City Manager. Department heads are responsible to the City Manager, or his/her designee. The City Manager is responsible to the City Council as a whole. Directions

regarding work to be done, expected results, and the adequacy of work performance will follow the chain of command.

2.11 SMOKING

The City's policy is to provide a smoke free workplace. The use of any and all tobacco products and E-Cigarettes/Vaporizers is prohibited in City buildings, or outdoors within twenty-five (25) feet of any entrance utilized by the public, as well as in all City vehicles and in garages. Cigarette or cigar butts may not be discarded on the ground at any City facility, including parking lots.

Users of smokeless tobacco are prohibited from spitting on sidewalks, parking lots, on landscaping or in the bathroom facilities. Spit cups must be kept out of the view of other employees or the general public and must not be disposed of in any of the trash cans inside any City buildings.

2.12 USE OF CELL PHONES IN THE WORKPLACE

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of personal cell phones, including those with a texting, camera and/or video playing capability is not permitted during work time without supervisor or department head approval. Employees who are permitted by a supervisor to use a personal cell phone while at work must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees who use cell phones to violate City policy, including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action, up to and including termination of employment.

Employees with City-issued cell phones are allowed to use City cell phones for personal phone calls. However, the length and number of such communications should be kept to a minimum during working hours.

Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting. All employees must, when asked by the City, consent to a request to provide the City access to all cell phone and text message records used for City business purposes. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones.

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

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

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

2.13 TELEPHONE CONTACT

All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.

No reimbursement of telephone charges shall be made to the employee for the City's use of such employee's private telephone to contact the employee regarding work-related matters.

All employees must immediately notify their supervisor or department head of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

Failure to provide updated contact information could result in disciplinary action, up to and including termination of employment.

2.14 PURCHASING

Purchases by City employees will be made only as authorized by the City Manager, or his/her designee, or the City Council and must be made in accordance with state purchasing laws as they apply to cities.

Purchasing Card Policy

Authority

Employees and elected officials of the City of Universal City who are issued a purchasing card are responsible for agreeing to and understanding all guidelines governing use of the City purchasing card. Department Heads are responsible for reviewing and approving all departmental charges-purchases including those made with a purchasing card. The Finance Director or her/his designee is the Purchasing Card Administrator for the City and is responsible for monitoring card usage and serves as the contact person with the Card Issuer.

Definitions

~~Card Issuer—Any financial institution that issues purchasing cards on behalf of credit card networks. Typical services include providing electronic transaction authorization and billing the City for all purchases made on the cards.~~

~~Cardholder—an employee of the City who is approved by his/her Department Head and City Manager to use a purchasing card to execute purchasing transactions on behalf of the City.~~

~~Department Head—Organizational official who must approve employee's request for a purchasing card, designate default accounting codes for purchases on the purchasing card and submit paperwork to the Purchasing Card Administrator. Department Head approval delegates transaction authority to the Cardholder.~~

~~Organization—Arranges with the card issuer to have purchasing cards issued to approved employees and agrees to accept liability for the employee's use of the cards. For this policy, Organization shall be interchangeable with City.~~

~~Purchasing Card Administrator—the central administrator located in the City's Finance Department who coordinates the purchasing card program and acts as the intermediary in correspondence with the card issuer.~~

~~Vendor—The merchant from whom a cardholder is making a purchase.~~

Purpose

~~The purpose of the Purchasing Card policy is to establish guidelines governing the use of the Purchasing Card for the City of Universal City.~~

~~The purchasing card program has been implemented to provide a more efficient method of making purchases less than \$2,500. Purchases made pursuant to this policy shall be from the current budget year. Purchases will be charged directly to the departmental account numbers and will show on each department's financial report. The City will issue one payment each month the Card Issuer for all Purchasing Card purchases.~~

~~The primary benefits of the purchasing card program are:~~

- ~~▪ More timely purchase and receipt of goods~~
- ~~▪ Reduction in costs associated with processing purchase orders~~
- ~~▪ Increased information about purchasing transactions~~
- ~~▪ Volume of activity associated with use of the card dramatically increases the efficiency of procuring low dollar items and eliminates the need for a requisition/purchase order processes~~

~~The Finance Department will administer the purchasing card program and will act as the liaison between the Cardholders, Vendors and Card Issuer.~~

Program Overview

- ~~▪ Purchasing Cards will be issued to City employees with the City Manager's approval.~~
- ~~▪ Cards may be subject to immediate revocation at the discretion of the City Manager.~~
- ~~▪ All transactions shall follow the Purchase Procedure Requirements as adopted under Ordinance 544-A-03 and hereto attached as Exhibit A.~~
- ~~▪ The name of the employee will be embossed on the card.~~
- ~~▪ Purchasing Cards will **not** be transferable between individuals or departments.~~
- ~~▪ The Employee's Department Head must approve the request for a card for the Cardholder.~~
- ~~▪ Cardholders make purchases and receive a monthly statement from the Card Issuer.~~
- ~~▪ Cardholder matches receipts to monthly statement and forwards with completed Activity Log to the Purchasing Card Administrator for review and filing.~~
- ~~▪ Monthly department reports of Cardholder transactions will be distributed to the Purchasing Card Administrator. Cardholders will have the responsibility for overriding the default accounting code for transactions, identify transactions subject to use tax, approving bills and adding cost share information if required. All monthly Activity Logs must have the Department Heads approval for transaction expenditures.~~
- ~~▪ The Card Issuer sends a consolidated invoice to the City at the end of each monthly billing cycle.~~
- ~~▪ A payment (bank account draft) is made to the Card Issuer within 25 days after the end of the billing cycle.~~
- ~~▪ Employees who are issued a City credit card (either for temporary or permanent use) will be required to sign a Universal City Purchasing Card Agreement.~~

Transaction Limits

~~Transaction limits are hereby established to ensure compliance with state purchasing laws, maintain proper budgetary controls, and to minimize excessive use of any individual credit line. Individual monthly card limits cannot exceed those established by the municipal governing authority. The established single transaction limit for each card must be less than \$2,500.00. The established monthly card limit is based upon the city's budgetary constraints and is not to exceed \$50,000 per month. Any exceptions to the standardized limits must have express written approval by the municipal governing authority and must be added to this policy by amendment or addendum.~~

Legal Issues

~~All procurement rules found in the City of Universal City Personnel and Procedures Manual apply to the use of the purchasing card. Cardholders, program users, or approving officials who knowingly, or through willful neglect, fail to comply with this mandate may be subject to suspension or termination of account privileges or other disciplinary action, up to and fully including termination of employment and criminal prosecution of the law.~~

~~The City Purchasing Card Administrator and the City Manager reserve the right to withdraw any authority or delegated approval due to non-compliance with applicable laws, rules, regulations, policies, and procedures, or the terms of any conditional approval.~~

Personal Purchases Prohibited

~~Cardholders are prohibited from using the Purchasing Card for the purchase of any goods or services not directly or indirectly related to City business. Intentional use of the card for personal purchases will result in disciplinary action, up to and including termination and criminal prosecution.~~

Split Purchases Prohibited

~~Competitive bidding is required for all open market purchases anticipated to be \$2,500 or more.~~

~~Cardholders are prohibited from splitting a transaction between two or more transactions on a single account, two or more transactions on multiple accounts, or two or more transactions using the P-Card to circumvent competitive solicitation requirements.~~

Payment of Sales and Use Tax

~~State law exempts purchases made by state entities/local governments from State Sales and Use Tax when payment is made with appropriated funds. Cardholders must present the Sales and Use Tax Exemption, Form to suppliers upon request.~~

~~The requirement for out-of-state suppliers to charge Sales and Use Tax on shipments to purchasers in the State of Texas does not apply to tax-exempt state/local government entities. If the supplier refuses to remove taxes, the cardholder must make the purchase from a different supplier whenever possible.~~

~~Cardholders are responsible for ensuring that merchants do not charge tax or provide a credit for inadvertent charges.~~

- ~~1. If taxes are charged, the cardholder must contact the merchant to obtain a credit to the account. Sales tax cannot be disputed with the bank.~~
- ~~2. Credits cannot be obtained by any other method, including, but not limited to, cash, gift cards, or store credit.~~

- ~~3. Documentation of attempts to obtain credit for any state Sales and Use Tax charged in error must be maintained with the documentation for the transaction where the tax was charged.~~

Records Retention Requirements

~~The City of Universal City maintains the official Records Retention Schedule.~~

- ~~1. Documents related to transactions (e.g. receipts) are accounting records and must be maintained according to the requirements of Accounts Payable Files.~~
- ~~2. Documents related to the issuance of accounts to employees (e.g. profile forms) are accounting records and must be maintained according to the requirements of Purchasing Card Administration Records.~~

Spending Limits

~~All purchasing cards have default account numbers, embedded controls, and spending limits as well as restrictions on merchant category codes. Additional controls have been added to each purchasing card in order to assist in keeping charges within the City of Universal City monetary spending limits and budgeted year. These spending limits are embedded in each card via the magnetic strip and are imposed at the point of sale when the card is swiped.~~

Cardholder Spending Limits

~~The available limits on a Purchasing Card include:~~

- ~~▪ \$ per transaction—Single Transaction Limit (STL)~~
- ~~▪ \$ per month—Credit Limit (CL)—this is a monthly limit~~

~~The established standard monthly credit card limit is based on the Cardholder's budgetary responsibility not to exceed **\$2,500.00** per month. If a cardholder requires a higher monthly limit, they may request, with appropriate justification, an exception from the Finance Director. Monthly limits will be reviewed on an annual basis to determine if there is still a need for the higher limit. Note that the monthly limit is refreshed at the beginning of the billing cycle.~~

Cardholder/Department Head Responsibilities

~~Issuance of a purchasing card is a relationship of trust between cardholders, departments, and the City. The Purchasing Division's responsibility is to provide quality service and information to Department Heads and Cardholders. Cardholders' responsibilities are outlined below.~~

~~All cardholders are *de facto* purchasing agents for the City. All card program personnel must have a minimum understanding of the City's procurements rules.~~

~~The Cardholder is responsible for ensuring the card is used within the guidelines stated in this Purchasing Card Policy relating to the expenditure of departmental funds. Failure to comply with program guidelines may result in permanent revocation of the card, notification of the situation to his/her immediate supervisor and Department Head, and further disciplinary measures up to and including possible termination and/or criminal prosecution.~~

Card Usage

- ~~1. Ensure that no other persons have access to any card information (i.e. card account number, expiration date, security code, etc.)~~
- ~~2. Ensure that all purchases comply with State/City internal policies.~~

Approval Procedure

~~Always follow proper internal departmental procedures in obtaining approval for the purchase. If unsure as to whether an item to be purchased does or does not fall within City's purchasing card guidelines, contact the Purchasing Card Administrator before making the purchase.~~

Maintain Transaction Log

~~As card transactions occur, the Cardholder must record all purchases and credits on a transaction log. Transaction logs help to keep a running tally of monthly charges and identify outstanding transactions not yet billed on the monthly bank statement. Maintaining these logs will assist the Cardholder in staying within the established purchasing limits of the card. The log may also be used to verify receipt of the correct quantity and product along with verification of billing in the correct price.~~

Ensure Adequate Documentation

~~If receipts do not provide sufficient detail to identify what the purchase is and what the business reason is for the purchase, the Cardholder should include additional details documented on the receipt, transaction log or other supporting documentation. If adequate documentation is unavailable, a missing receipt affidavit form must be completed, signed, and kept on file with the monthly bank statement. A pattern of missing receipts, which is defined as more than three (3) times in one fiscal year, will result in suspension of purchasing card privileges for a minimum of three (3) months. A copy of each missing receipt form should be forwarded to the Purchasing Card Administrator for tracking purposes.~~

Security

~~Cardholders are responsible for always safeguarding the purchasing card and account numbers. To prevent unauthorized use and limit the potential for fraud, the Cardholder should use basic security measures, as outlined below:~~

- ~~• Keep the purchasing card and account number in a secure location. Safeguard it as if it were your own personal credit card.~~
- ~~• Do not loan or share the purchasing card with others, including co-workers within the department.~~
- ~~• Review monthly bank statements immediately upon receipt, to detect unauthorized transactions.~~
- ~~• Before placing an order with an online merchant, make sure the site is secure before entering your account information. The URL, or website address, should begin with *https*. A graphic, such as a lock, should appear in the bottom right corner of your browser bar.~~

~~To aid in security, best practices to prevent fraud and misuse include NOT allowing an individual other than the cardholder to:~~

- ~~• Have physical possession of the purchasing card to make payments to point of sale vendors;~~
- ~~• Have access to the purchasing card number and expiration date to make payments via telephone, internet, or in person;~~
- ~~• Have access to receipts or invoices that display the complete purchasing card number and expiration date.~~
- ~~• Lost, stolen, or fraudulently used purchasing cards must be reported to the Card Issuer~~

~~immediately. The Purchasing Card Administrator must be immediately notified in writing and given the card to be properly disposed. After reporting the compromised Card Issuer and the Purchasing Card Administrator, send the card to the Purchasing Card Administrator to be properly disposed.~~

Dispute Resolution

~~The Cardholder is responsible for resolving disputes with the vendor. Such disputes may include incorrect pricing, delivery problems, incorrect items received, damaged items, etc. **A fraudulent charge is not handled in the same manner as a dispute. Bank services will contact the Purchasing Card Administrator for any fraudulent charges.**~~

Reconciliation of Billing Statements

~~A reconciliation of the monthly billing statement to receipts, invoices, and other supporting documentation must occur on a monthly basis. The following steps must be completed when performing the monthly reconciliation process:~~

- ~~1. Compile the monthly reconciliation package. This package consists of all **original** documentation, including receipts, credits, transaction logs, and other supporting documentation. The package must be reconciled and attached to the signed/dated transaction log and monthly bank statement.~~
- ~~2. The Cardholder must review the reconciliation package and sign/date the monthly bank statement to indicate that a review of the reconciliation package has been conducted. The reconciliation package should be submitted to the Department Head.~~
- ~~3. A review by the Department Head of each Cardholder's transactions must occur to ensure that the purchase was reasonable, appropriate, and necessary while also in compliance with purchasing card rules and regulations. This review must be conducted on a monthly basis and must be evidenced by a signature of the Department Head.~~
- ~~4. The reconciliation package is forwarded to the Purchasing Card Administrator for further review to assure that Steps 1-3 are performed on each Cardholder.~~

Department Head

~~This role has sole authority for assignment of purchasing cards and roles. This responsibility to assign cards and roles may not be delegated (even to those individuals holding signature authority). The Department Head has overall budgetary responsibility for the department's purchasing card program and is responsible for following sound business practices. The Department Head recommends the issuance of new cards which includes recommending the single transaction and monthly credit limits. The Department Head must establish and maintain internal controls on usage of the card. Each Department Head is responsible for the prevention and detection of instances of fiscal irregularities and related misconduct. In addition, Department Heads are expected to recognize risks and exposures inherent in their area of responsibility and to be aware of indications of fraud and related misconduct.~~

Purchasing Card Administrator Responsibilities

The Purchasing Card Administrator serves as the main point of contact for all card program personnel and serves as a liaison between end user and the bankcard Issuer. The Purchasing Card Administrators fulfill responsibilities in the following areas:

Card Management:

- Develops and maintains the City's Purchasing Card policy to address policy issues unique to the City.
- Develops internal procedures for requesting new cards and/or changes to existing cards (e.g. change in spending limits).
- Works with management to determine appropriate cardholder spending limits based on budget restrictions, job requirements, historical spending patterns, and overall procurement practices.
- Maintain the cardholder agreement for all cardholders.
- Maintain account information and secure all cardholder information.
- Keep cardholders up to date on new or changing information
- Upon receipt of information indicating fraudulent use or lost/stolen cards immediately reports it to appropriate parties, including the Card Issuer.
- Ensure all purchasing card accounts are being utilized properly as set forth by state law and this policy.
- Define the City's policy and procedures for proper documentation and storage of receipts, logs, and approvals required under this policy.
- Identifies any changes to named persons authorized to use a government purchasing card.
- Any other duties assigned by the municipal governing authority.

Reconciliation Procedures

The Purchasing Card Administrator is responsible for developing internal procedures for:

- Reconciliation procedures that ensure timely payment and/or allocation of transactions to the General Ledger at least monthly.
- Documentation for reconciliation of transactions.
- Disputing a transaction with the Card Issuer.

Internal Controls

A strong system of internal controls is essential for detection and deterrence of fraud, misuse, or abuse of the purchasing card. Internal controls include policies, procedures, and training in addition to spending limits and restrictions.

General Requirements

The Finance Department established an internal control structure that ensures compliance with state/local government procurement laws, sound accounting practices, and internal policy.

Minimum requirements include:

- Separation of duties between ordering cards, making transactions, and review/approval of transactions for payment.
- Limits on the number of cardholders assigned to a department in order to ensure adequate review of business need and documentation for each purchase.

- ~~• Provision for annual independent audit or review of the purchasing card program by the Purchasing Card Administrator or other business unit assigned audit responsibilities.~~

Cardholder Spending Limits and Utilization

~~Imposing spending limits enables management to provide cardholders with the purchasing power to accomplish the needs of the job without exposing the City to unnecessary risk. Spending limits should be based on job responsibilities. Cardholder spending limits must be reviewed at least annually to determine if actual usage is consistent with spending limits and increases or decreases made as needed.~~

Unauthorized Purchases

~~The Purchasing Card **SHALL NOT** be used to purchase the following items:~~

- ~~➤ Alcohol~~
- ~~➤ Cash Advances~~
- ~~➤ Entertainment (except for City sponsored events)~~
- ~~➤ Firearms/Explosives (except for law enforcement activities)~~
- ~~➤ Bonds and Capital Improvement Expenditures.~~
- ~~➤ Professional Services—Architectural/Engineering, Legal or other state certified professionals.~~
- ~~➤ Personal Purchases~~
- ~~➤ Sales Tax from Vendors within the State of Texas using City Funds~~
- ~~➤ Travel/Training, Meals and Entertainment—The card may be used for travel/training and meals **only** for pre-approved city business in lieu of per diem.~~

Unauthorized Practices

Purchasing Card Sharing

~~**Only that person named on the purchasing card is the authorized user. Purchasing Card sharing is prohibited and will result in immediate termination of the purchasing card and all purchasing card privileges for one year.** Purchasing card sharing is the practice of allowing an individual other than the cardholder whose name appears on the front of the purchasing card to have access to the purchasing card or purchasing card number to initiate or complete a transaction. Purchasing card sharing increases the risk of fraud and cardholder liability.~~

Personal Use

~~All personal use (intentional or unintentional) of the purchasing card must be handled by the Cardholder as follows:~~

- ~~• **Immediately report the purchase to the Department Head.**~~

- ~~Send a memo or e-mail to the Purchasing Card Administrator explaining the circumstance of what happened (including a timeline of the incident) and include a copy of the receipt and/or other supporting documentation.~~
- ~~Funds shall be reimbursed by personal check made payable to City of Universal City.~~
Please be sure to reference the applicable purchasing card transaction #.
- ~~The personal charge must be reported even if the vendor credits the charge.~~
- ~~Submit the entire package to Purchasing Card Administrator.~~

~~Three or more incidents of personal misuse in a three month period may result in automatic suspension of purchasing card privileges for a minimum of 3 months.~~

Violations

~~The use of a government purchasing card may be suspended or revoked when it has been determined that the Cardholder has violated the approved policies or state law regarding the use of the government purchasing card. The purchasing card shall be revoked whenever a Cardholder is removed from employment with the City. The Cardholder may be held personally liable for the transactions (up to and including payroll deductions) for the total dollar amount of the unauthorized purchases, plus any administrative fee charged by the crediting agency in connection with the misuse.~~

2.15 ARRESTS, CONFINEMENTS, AND INDICTMENTS

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

Employee Notice of Felony and Misdemeanor Charges: Employees must immediately notify their supervisor and/or department head if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead *nolo contendere* to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. Failure to report these events in a timely manner may result in disciplinary action, up to and including termination of employment.

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

- Allowing the employee to return to regular duty with pay;
- Allowing the employee to return to restricted duty with pay;
- Placing the employee on paid administrative leave;
- Placing the employee on unpaid administrative leave; or
- Termination of employment.

Employee Status after Adjudication: Once the indictment or information is dismissed or fully adjudicated without trial, and, if tried, until the trial and appeal (if any) are computed and all related administrative matters are completed, the department head will determine the status of the employee. An employee on administrative leave may, at the City's sole discretion, be reinstated to the position held

before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

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

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

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

3.00 EMPLOYMENT PRACTICES

3.01 METHODS OF RECRUITMENT AND SELECTION

The City has several methods of recruiting and selecting persons to fill vacancies:

1. Promotion from within; or
2. Transfer from within; or
3. Public announcement (including media announcement and posting of notice for City employees) and competitive consideration of applications for employment; or
4. Referral from a job training program; or
5. Selection from a valid current eligibility list of applicants. (A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding nine (9) months.)

The City Manager, or his/her designee, approves the method of selection to be used in filling each vacancy. However, the City Council must have approved funding for a position before recruitment begins.

3.02 PUBLIC ANNOUNCEMENTS

When public announcement of position openings at the City are used, and competitive consideration will be given, the announcements are disseminated by the human resources department in the manner most appropriate for the particular position being filled, as determined by the City Manager, or his/her designee. Department heads wanting to fill job vacancies within their departments must submit relevant information about the position to the human resources department who ensures that job opening announcements are made public through the City website and other sources, which may include advertising in the local newspaper, on the City bulletin board at City hall, on Texas Municipal League's online Career Center, the City's Facebook page, and/or possible other online sources.

Current employees may apply for positions for which they believe themselves to be qualified. If selected for the position for which he or she applied, a City employee can transfer to another City position without loss of pay provided that his or her current pay is within the limits set by the City pay plan for the transfer position.

The length of time during which applications will be accepted will be determined by the City Manager, or his/her designee, in accordance with the circumstances that exist at the time

3.03 QUALIFICATIONS

The City maintains a job (class) description, which establishes the required knowledge, skills, and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications to fill the position.

3.04 SELECTION

In accordance with the City charter, the City Council appoints and may remove the City Manager, or his/her designee, City attorney, municipal court judge, and City clerk. Except for appointments reserved to the City Council by statute, ordinance, or charter, the City Manager, or his/her designee, has exclusive

authority to select and employ personnel within the limits of these policies and the City budget. The City Manager may authorize department heads to appoint and remove employees within their departments but such action is subject to approval by the City Manager, or his/her designee, and within the limits of these policies and the City budget. Other supervisors may be asked for recommendations as appropriate.

Neither the Council nor any of its members shall in any manner dictate the appointment or removal of any City employees whom the City Manager or any of his or her subordinates is authorized to appoint. However, the Council or its members may express freely to the City Manager their views and opinions on such matters.

Vacancies on the City staff are filled on the basis of merit, whether by promotion or by initial appointment. Selections of the most qualified persons are made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform the specific job, without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, genetics, veteran's status, or any other characteristic protected by law..

3.05 RESIDENCY REQUIREMENT/RESPONSE TIME

The City Manager shall reside within the City during the tenure of his or her office, as set forth in the City charter.

Employees who are designated in "on call" status must be able to respond quickly and to arrive at the City's designated response site within 30 minutes of receiving the page or call. *(Legal reference: V.C.T.A. Local Government Code, Section 150.021 and U.S. Fair Labor Standards Act of 1938, as amended.)*

As a general rule, only those employees who reside within the City are potentially eligible for a City issued "take-home" vehicle. On a case-by-case basis, and with approval of the City Manager, or his/her designee, "take-home" vehicles may be issued to employees living outside of the City.

3.06 AGE REQUIREMENTS

Persons under 16 years of age will not be employed in any full-time regular position. Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective City employee under the age of 18 must have written permission and age verification (a signed Minor's Release Form) from his or her lawful parent or guardian on file in the City's payroll office prior to the first day of employment.

Other age limitations will be applied only as may be specifically required by state or federal law.

(Legal reference: Child Labor Regulations, Subpart C, issued pursuant to authority conferred by Section 3 (1) of the U.S. Fair Labor Standards Act of 1938, as amended; V.T.C.A. Labor Code, Chapter 51; U.S. Age Discrimination in Employment Act of 1967, as amended.)

3.07 APPLICATION FOR EMPLOYMENT

When a specific vacancy exists, each person desiring employment with the City must submit a written application and other pertinent information regarding training and experience. To be valid, an application must be made on the City's official paper or electronic application form. All information set forth on an application is subject to verification.

Department heads should notify the human resources department when an opening is available. After a City position has been filled, all applicants who were interviewed but were not chosen will be notified in writing or by telephone as soon as reasonably practicable.

The City does not accept applications for employment unless a specific job opening exists, or as approved by the City Manager, or his/her designee. Unless prior approval has been received from the City Manager, or his/her designee, applicants wanting to apply for a job that has not been posted, shall be informed that City job openings are advertised on the City website and/or other advertising sources and they may submit an application when a position is posted which they consider themselves to be qualified. Applications are not accepted after the published closing date unless the closing date has been extended or approval is received from the City Manager, or his/her designee.

The City will conduct a background investigation by making appropriate inquiries to verify education, experience, character, and required certificates and skills of an applicant prior to extending an offer of employment to an applicant. After an applicant has received a conditional offer of employment, the City must check the prospective employee's criminal history and, if the position being offered requires driving a vehicle, their driving record. Employment is contingent upon receiving acceptable results from all information received from the background investigation, criminal history report and driving record.

The City should retain each employment application from persons not selected for a position for two years after receipt of the application.

(Legal reference: 29 Code of Federal Regulations 1602; V.T.C.A. Government Code, Section 441.158; State Library and Archive Commission Local Schedule GR, as amended.)

3.08 EMPLOYMENT OF RELATIVES (NEPOTISM)

Nepotism is the showing of favoritism toward a relative. The City forbids the practice of nepotism in hiring personnel or awarding contracts. In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City that:

- A. **Applicants.** An applicant who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the City Council or to the City Manager shall not be hired.

A person who is already employed by the City and is related in a prohibited manner may not stay in City employment unless the employee had been continuously employed by the City for a period of:

At least 30 days, if the officer or member is appointed; or

1. At least six months, if the officer or member is elected at an election other than the general election for state and county officers; or
2. One year if the related City officer is elected at a general election for state and county officers.

(Legal reference: V.T.C.A. Government Code, Section 573, as amended.)

Under no circumstances will an applicant be employed in a department in which the employee may directly or indirectly supervise or be supervised by a member of the employee's family who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood).

In addition, no applicant shall be hired who is related by blood or marriage within one of the prohibited degrees to any other City employee unless prior approval is received from the City Manager, or his/her designee.

- B. **Promotion.** In the event of a proposed promotion of a current employee to a position where the employee would be required to directly or indirectly supervise or be supervised by a member of the employee's family to whom they are related in one of the prohibited degrees, any employed family member of a person considered for promotion must agree to immediately tender written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept the promotion, the conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect.
- C. **Reorganization.** In the event of a reorganization, or any other situation (other than a promotion) giving rise to a relationship prohibited by this section of the policy, the lower ranking employee will be required to immediately resign employment. If both employees are of an equal rank, one of them will be required to immediately resign employment. In the event that the employees do not decide which will resign the employee with the least seniority will be deemed to have resigned. Normally, any such resignation will not be effective until ninety (90) days after the engagement, reorganization, etc., occurs.
- D. **Other Restrictions.** The following restrictions apply on the employment of any relative of an employee who is related to the employee in one of the prohibited degrees set out in this section of these policies:
- No employee in the relationship will supervise, review or process the work of the other;
 - The employees' relationship must not create a conflict between employees/ City interests; and
 - There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the City.

Relatives at any degree are not permitted to work in the same department with each other without prior written authorization from the City Manager, or his/her designee. In addition, written authorization must also be obtained from the City Manager, or his/her designee, to employ any relative of a current City employee even if working in different departments.

- E. **Marriage of Current Employees.** In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by subsection B of this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which the employee is qualified and that meets the requirements of these policies, unless approved by the City Manager, or his/her designee. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by subsection B of this policy, one or both of the affected employees will be required to resign from employment, unless written approval is received from the City Manager, or his/her designee. Refusal

of an employee to resign due to a prohibited relationship within the same department may subject the employee to disciplinary action, up to and including termination of employment.

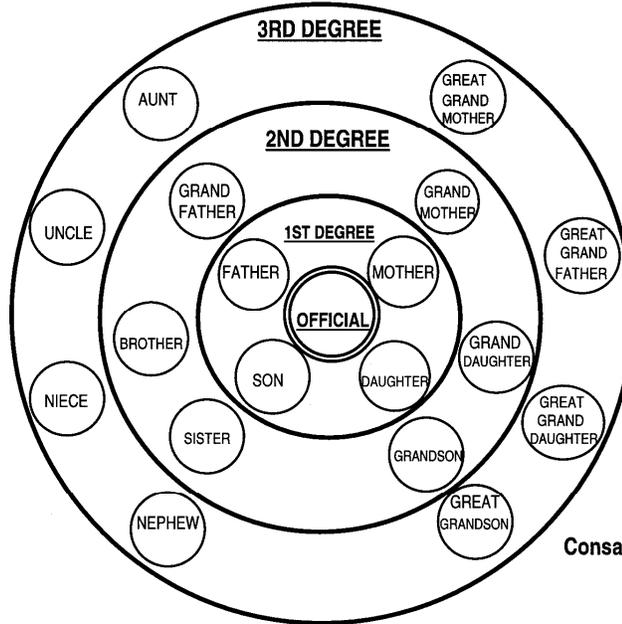
- F. Grandfather Clause.** The City is aware that, as of the revision date of these policies, a number of City employees may be related, by blood or by marriage, to other City employees. These employees will be “grandfathered” under this policy, meaning they will be permitted to continue their employment with the City as long as the requirements set out in subsection B of this Nepotism policy are met. Please be informed that the above "grandfathered" provision is for family relationships as they exist as of the revision date of this policy. Any future changes to the family relationship and/or the employment status of the affected employee(s) will be governed by the requirements of this policy.
- G. Periodic Review.** Periodically, the City Manager, or his/her designee, will review the job descriptions and interrelationships between the affected jobs and determine whether they meet the requirements set out in subsection B of this policy. If one or more of these requirements are not met, one or both of the affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified and that meets the requirements of subsection B of this policy. If a suitable transfer cannot be made within ninety (90) days, one or both of the affected employees will be required to resign from employment, unless written approval is received from the City Manager, or his/her designee.

H. **Application of This Policy.** This policy applies to all full-time, part-time, and temporary seasonal employees of the City.

NEPOTISM CHARTS

The charts below show:

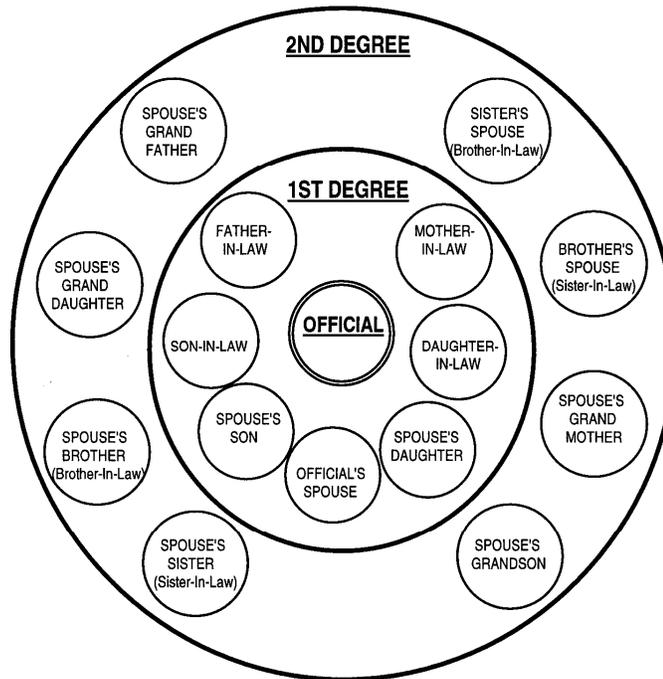
- **Consanguinity Kinship**
(relationship by blood)



Consanguinity Kinship Chart
(Blood)

- **Affinity Kinship**
(relationship by marriage)

For the purposes of interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§ 573.021-.025.



Affinity Kinship Chart
(Marriage)

3.09 TESTING/INTERVIEW

Except for drug/alcohol tests, physical examinations, physical ability tests for firefighters, psychological tests for law enforcement officers, and any other tests that may be required by state law, the only performance tests administered for employment or promotion will be specifically job related ("piece-of-the-job") tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy which is specifically required to be lifted in the job, tabulating columns of numbers, providing writing samples, etc.).

Department Heads, or his/her designee, will choose applicants from the applicant pool to invite to an oral interview.

All applicants who receive a conditional offer of employment will be required to complete a post-offer physical examination based on the physical requirements of the position for which they applied. Applicants who receive a conditional offer of employment for a safety sensitive position or a position requiring a CDL, will also be required to complete drug and alcohol screening.

3.10 DRUG/ALCOHOL TESTING

In addition to the physical examination required by the City, applicants accepting a conditional offer of employment for a safety sensitive position or a position requiring a CDL, are required to be tested to show no trace of alcohol or drug dependency or illegal drug usage. The conditional offer of employment is contingent upon passing the drug and alcohol test.

After employment, the City may require any employee to submit to a drug and/or alcohol test if there is a suspicion that they are working under the influence. For more information on alcohol testing, drug testing or drug usage, see the Drug and Alcohol Abuse chapter included in this manual or the **Workplace Substance Abuse Prevention Policy Employee Handbook**.

3.11 WEAPONS CONTROL AND VIOLENCE PREVENTION

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

1. **Zero Tolerance.** This policy prohibits harassment, intimidation, threats, and violent behavior by or toward anyone in the workplace that is in any way job- or City-related, that is or might be carried out on City-property, or that is in any way connected to the employee's employment with the City, whether the conduct occurs on-duty or off-duty. The City has a zero-tolerance policy for this type of misconduct.
2. **Firearms and Other Weapons Banned.** Unless specifically authorized by the City Manager, or his/her designee, no employee, other than a City licensed peace officer, shall carry or possess a firearm or other weapon inside any City buildings. Prohibited weapons include firearms, long guns, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. Employees do not have an expectation of privacy and the City retains the right to search for firearms or other weapons inside City buildings.

Signs clearly stating the City's ban against weapons are conspicuously displayed and clearly visible at all entrances to City buildings.

- The signs are in both English and Spanish and read, in accordance with Texas Penal Code Chapter 30.06:
 - “NO OPENLY DISPLAYED OR CONCEALED FIREARMS ALLOWED: Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (concealed handgun law) may not enter this property with either a concealed handgun or a handgun carried openly.”
 - The signs have contrasting colors with block letters at least one inch in height, as required in the statute. (*Legal reference: Texas Penal Code, Sec. 30.07.*)
3. **License to Carry a Firearm.** Employees licensed by State of Texas to carry a handgun or other gun may have a permitted weapon only on the City parking lot if it is locked in the employee’s vehicle. Employees licensed to carry handguns must report to their department head their identity and license plate numbers of all vehicles that employee may park in City parking lots.
 4. **Mandatory Reporting.** Each City employee must immediately notify his/her supervisor, department head, and /or the police department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her department head and/or the police department.
 5. **Protective Orders.** Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the human resources department and the City’s police department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their department head and the human resources department of any protective or restraining order issued against them.
 6. **Confidentiality.** To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.
 7. **Documentation.** When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the human resources department and the police department.
 8. **Policy Violations.** Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

3.12 HEALTH / MEDICAL EXAMINATIONS / FITNESS FOR DUTY

The City strives to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

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

Medical Exams for Applicants. Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. For these reasons, applicants are required to pass a physical examination and, for safety sensitive and CDL positions, a drug/alcohol test after a conditional offer of employment has been extended, but prior to their first day of work. Back X-rays are required for persons who will perform strenuous physical activity (Fire, Public Works, etc.) The required physical examinations will be performed by a physician of the City's choice and will be paid for by the City. Prospective employees will not be placed on the City payroll prior to passing these exams.

In each instance, the examining doctor will be provided a copy of the appropriate job description or summary of duties, and will be required to certify that the prospective employee is physically able to perform the essential duties of the job.

In addition, prospective new employees for active or reserve police officer certification must undergo an examination by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health. The City may require all prospective active police or reserve employees to submit to a polygraph test. The required examinations will be made by a physician and psychologist or psychiatrist of the City's choice and will be paid for by the City.

All prospective applicants to the Universal City Fire Department shall be required to perform a physical agility examination to determine if the applicant can properly perform duties in an emergency situation.

Medical Exams for Current Employees. The human resources department, or an employee's department head (with the prior written approval of the City Manager) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation, following an injury or accident; and as otherwise permitted in accordance with applicable laws.

Medical Information from an Employee's Doctor. Under certain circumstances (e.g., FMLA certifications), the human resources department may require employees to provide medical information from their healthcare provider. In such cases, employees are to inform their healthcare provider not to provide any genetic information when responding to such request. (*Legal Reference: Family and Medical Leave Act of 1993 (Pub. L. 103-3), as amended; and Genetic Information nondiscrimination Act of 2009 (GINA), as amended.*)

Genetic Information. In accordance with the Genetic Information Nondiscrimination Act (GINA), the City will neither request nor require genetic information of an employee or his/her family member, except as specifically allowed by GINA. To comply with GINA, employees are directed not to provide any genetic information when responding to any City request for medical information. “Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or embryo lawfully held by an individual or family member receiving assistive reproductive services. (*Legal Reference: Genetic Information Nondiscrimination Act of 2009 (GINA), as amended.*)

Medical Records. Medical records and sensitive information regarding an employee’s health will be kept confidential as required by law. Limited information may be provided to supervisors and department heads, first aid and safety personnel, government officials, Texas Workers’ Compensation Commission, and as necessary for insurance and other business-related purposes. (*Legal Reference: (Legal Reference: U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008; Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended; and Ragsdale v. Wolverine Worldwide Inc.)*)

Return to Work/Fitness for Duty. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through the human resources department. An employee who misses work due to medical reasons may be required to provide a fitness-for-duty certification before returning to work.

Time Off From Work. Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant. (*Legal Reference: Family and Medical Leave Act of 1993 (Pub. L. 103-3), as amended.*)

3.13 CONFIDENTIALITY OF MEDICAL RECORDS

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

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

- A note to justify an absence;
- A note to request a leave;
- A note to verify the employee’s ability to return to work;
- Medical records to support a claim for sick pay or disability benefits;
- Records of the results of an employee’s or a prospective employee’s drug and alcohol tests;
- Insurance records;
- Workers’ compensation records; and
- Medical history records

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

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to their supervisor, department head, or the human resources department. When an employee provides information to their supervisor or department head, the supervisor or department head is expected to share the information only on an “as needed” basis with other members of management.

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

Only the director of finance and human resources department have routine access to employee medical records. *(Legal References: U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008; Genetic Information Nondiscrimination Act of 2009; and Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended; Ragsdale v. Wolverine Worldwide Inc.)*

NOTICE OF PRIVACY PRACTICES. This Notice of Privacy Practices is provided as a requirement of the Health Insurance Portability and Accountability Act (**HIPAA**). It describes how the City may use or disclose an employee’s protected health information, with whom that information may be shared, and the safeguards the City has in place to protect it. This notice also describes an employee’s rights to access and amend his/her protected health information. The employee has the right to approve or refuse the release of specific information outside of the City’s system except when the release is required or authorized by law or regulation.

“Protected health information” is individually identifiable health information. This information includes demographics, for example, age, address, e-mail address, and relates to the employee’s past, present, or future physical or mental health or condition and related health care services. The City of Universal City is required by law to do the following:

1. Make sure that an employee’s protected health information is kept private;
2. Give each employee this notice of the City’s legal duties and privacy practices related to the use and disclosure of an employee’s protected health information;
3. Follow the terms of the notice currently in effect;
4. Communicate any changes in the notice to each employee.

By law, the City must disclose the employee’s health information to that employee unless it has been determined by a competent medical authority that it would be harmful to the employee. The City must also disclose health information to the Secretary of the Department of Health and Human Services (DHHS) for investigations or determinations of City compliance with laws on the protection of the employee’s health information.

The City will share the employee's protected health information with third-party "business associates" who perform various activities for the City of Universal City (for example, current insurance carrier, City attorney, etc.). The business associates will also be required to protect the employee's health information.

The City may disclose protected health information during any judicial or administrative proceeding, in response to a court order or administrative tribunal (if such a disclosure is expressly authorized) and in certain conditions in response to a subpoena, discovery request, or other lawful process.

The City may disclose the employee's protected health information to comply with workers' compensation laws and other similar legally established programs.

The employee may exercise the following rights by submitting a written request (depending on the request, the employee may also have rights under the Privacy Act of 1974):

1. The employee may inspect and obtain a copy of his/her protected health information that is contained in a "designated record set" for as long as the City maintains the protected health information;
2. The employee may request the City to provide him/her with an accounting of the disclosures the City has made of the employee's protected health information;
3. The employee may obtain a paper copy of the notice.

This Notice of Privacy Practices is provided to each employee as a requirement of the Health Insurance Portability and Accountability Act (HIPAA).

(Legal References: Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended; Ragsdale v. Wolverine Worldwide Inc. There are several other privacy laws that also apply, including the Freedom of Information Act, the Privacy Act and the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act. These laws have not been superseded and have been taken into consideration in developing City policies and this Notice of how the City will use and disclose the employee's protected health information.)

3.14 VERIFICATION OF ELIGIBILITY TO WORK

In order to comply with the Immigration Reform and Control Act of 1986 and the Homeland Security Act of 2002, on or before his or her first day of employment, each new employee will be required to complete and sign a USCIS Form I-9 and provide proof of his or her identity and employment eligibility in the form of original documents as specified on the Form I-9. *(Legal References: P.L. Number 99-603; Federal Immigration Reform and Control Act of 1986, and the Homeland Security Act of 2002.)*

In the event the employee has not provided evidence of eligibility to work on or before the first day of employment, the employee will not be allowed to begin working until evidence of employment eligibility is received. If evidence of employment eligibility is not received within three (3) days of the previously scheduled start date, the offer of employment may be withdrawn.

3.15 DRIVING RECORD/DRIVER LICENSE STATUS

Every City employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record. The City will check a prospective employee's driving record if the applicant's employment will require operating a vehicle or piece of equipment. For this reason, any offer of employment will be contingent upon verification that the prospective employee

has maintained a safe driving record. Employees must immediately notify their department head of any change on their driving record or status of their driver license. Failure to report changes in driving record or driver license status will subject the employee to possible disciplinary action, up to and including termination of employment.

3.16 DISQUALIFICATION

Unless otherwise approved by the City Manager, an applicant is disqualified from employment by the City if he or she:

1. Does not meet the minimum qualifications for performance of the duties of the position involved;
2. Previously worked for the City and was involuntarily terminated, or resigned in lieu of termination;
3. Has made a false statement or material omission on the application form or during the application process;
4. Has committed or attempted to commit a fraudulent act during any stage of the selection process;
5. Is not legally permitted to hold the position, such as the hire would result in a violation of the City's Nepotism Policy;
6. Does not meet the minimum age requirement;
7. Has offered, or attempted to offer, money, service, or any other thing of value to secure an advantage in the selection process;
8. Does not meet one or more of the City's background and employment requirements, including, but not limited to, drug/alcohol testing; or
9. Is not legally permitted to work in the United States or has not provided proof of citizenship or eligibility to legally work within the United States on or before their first day of employment.

3.17 PRIOR SERVICE WITH CITY

Employees entering service with the City who have had prior service with the City may be considered for appointment above the customary entry salary level with the approval of the City Manager. In addition, employees rehired to fill regular full-time positions with the City will receive credit for their prior length of service as regular full-time employees for longevity pay purposes. A break in continuous service with the City forfeits vacation and health leave benefits accrued prior to the break. For details pertaining to how a break in service affects retirement benefits, please refer to your Texas Municipal Retirement System "Member Information Guide."

3.18 PLACEMENT ON CITY PAYROLL

New employees must report to the City human resources department during their first day of employment, or on a previously agreed upon date, to provide completed payroll forms, complete various other required forms and receive information about enrolling in benefits.

3.19 ORIENTATION AND TRAINING

When an applicant receives a conditional offer of employment, he or she will be contacted by the City human resources department to schedule a pre-employment physical exam and, for safety sensitive and

CDL positions, a drug/alcohol test. During the initial meeting between the applicant and the City human resources department, the applicant will be required to read and sign a copy of the job description for the position they were offered, complete the Form I-9, and will receive copies of the *Personnel Policies and Procedures Manual* and *Workplace Substance Abuse Prevention Policy Employee Handbook*. Employees are responsible for knowing and following the information contained in the policy manual/handbook, and must turn in a signed acknowledgment to this effect to the City human resources department.

After testing is complete and employment is confirmed, an introductory session will be provided by the human resources department, including but not limited to, completing forms and enrolling in benefits. During the introductory session, employees will sign acknowledgements for the **Personnel Policies and Procedures Manual** and **Workplace Substance Abuse Prevention Policy Employee Handbook**.

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation session, conducted by the supervisor for whom he or she will be working, or by a designated representative. The purpose of the session is to assist a new employee in understanding his or her job, as well as their job's relationship to the overall operation of the City.

Training an employee is the responsibility of the supervisor for whom the employee works. Whenever possible, employees receive on-the-job training under close supervision.

3.20 INTRODUCTORY EMPLOYMENT PERIOD

All new employees hired to fill regular full-time or part-time positions must satisfactorily complete an initial performance introductory period of six (6) months, including former City employees rehired more than 30 days after they left City employment or if they are hired in a different position than previously held.

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

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

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

Change in Assignment of Employee serving in the Introductory Period. Employees serving in the introductory period may not request or make application for reassignment, promotion, or voluntary

transfer during the introductory period without written approval from their department head and the City Manager, or his/her designee. If the reassignment, promotion, or transfer is approved, the employee will serve a six-month performance introductory period in the new position beginning with the date of the position change.

Absences During Performance Introductory Period. During the performance introductory period, newly hired employees may not use accrued sick leave or vacation leave except in extenuating circumstances as approved by the department head and City Manager, or his/her designee. Compensatory time off or recognized holidays during the performance introductory period may be used as approved per established City/departmental policy or practice. Transferred, promoted, demoted, or reclassified employees serving in the introductory period retain eligibility for all types of leave established by City policy.

Extensions to Introductory Period. The performance introductory period may be extended under the following circumstances:

At the end of the six-month initial period, the performance introductory period may be extended for up to an additional six (6) months when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's introductory period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended introductory period will be completed. Such extension will be at the sole discretion of the department head and the City Manager, or his/her designee.

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

Successful Completion of Introductory Period/"Regular" Status Granted. Employees have no guarantee of employment either during or after their introductory period. Only employees who meet acceptable performance, conduct, attendance, and other standards during the introductory period will be retained as regular employees. An employee is granted "regular" status in the new position if the employee satisfactorily completes the performance introductory period.

Failure of Introductory Period. An employee is considered to have failed the introductory period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of the introductory period may occur at any time within the introductory period. An employee who does not successfully complete the introductory period will normally be terminated from the City's employment as approved by the department head and City Manager, or his/her designee. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the department head and City Manager, or his/her designee. A transferred or promoted employee who fails the introductory period may, at the sole discretion of the department head and City Manager, or his/her designee, be reinstated to the former position, provided there is a vacancy and if approved by the affected department head(s). Department heads are responsible for ensuring the thorough

written documentation of all cases of failure of the introductory period, including documentation of counseling, training, and other efforts to help employees during their introductory period. All such documentation must be reviewed by the City Manager, or his/her designee, before an employee serving in the introductory period can be terminated.

Termination of Employees Serving in the Introductory Period. All employees of the City, including those serving in the initial introductory period, are at-will employees and may be terminated with the approval of the department head and City Manager, or his/her designee, at any time during the introductory period, with or without notice or cause. An employee serving in the initial introductory period who is terminated has no right of appeal. Employees serving in the initial introductory period are subject to all policies and procedures of the City except for appeal rights.

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

4.00 TYPES OF EMPLOYMENT

4.01 CATEGORIES OF EMPLOYMENT

The City has three categories of employment:

Regular Full Time. A regular full-time employee is employed in an authorized regular position that involves, on average, at least 40 work hours per week. Regular full-time employees may be either hourly or salaried, and are eligible for the City's benefits package subject to the terms, conditions, and limitations of each benefit program.

Regular Part-Time. A regular part-time employee is employed in an authorized position that, on average, involves fewer than 30 work hours per week. Regular part-time employees may work an irregular schedule, as called upon, and are paid at an hourly rate for the actual number of hours worked. Regular part-time employees are not paid for holidays and receive only those benefits that are mandated by law, such as social security and workers' compensation, and time and one-half pay for working holidays.

Temporary/Seasonal. A temporary or seasonal employee is an employee hired for a period normally specified in advance and is expected to last one year or less. Temporary or seasonal employees only receive those benefits that are mandated by law, such as social security and workers' compensation, and time and one-half pay for working holidays.

See **Benefits** chapter of these policies for details of benefits available to each category of employee.

The following two designations indicate whether an employee is eligible for overtime compensation:

Non-exempt. A non-exempt employee is one whose position is covered under the overtime pay provisions of the Fair Labor Standards Act (FLSA) and will be compensated for all hours worked including overtime as required by law.

Exempt. An exempt employee is considered exempt from overtime pay provisions of the Fair Labor Standards Act (FLSA) and is expected to render reasonable services beyond 40 hours per week when necessary, with no additional compensation. Salaries for these positions are set with this consideration in mind.

Please see the "WORK SCHEDULE, OVERTIME, AND TIME REPORTING" chapter of these policies for additional information about exempt and non-exempt employees. (*Legal reference: Fair Labor Standards Act (FLSA), as amended, including 2016 Revised Regulations.*)

4.02 CONTRACT WORKERS

Staff who are assigned to the City but are paid directly by another government or private organization are not employees of the City. These employees' benefits are specified in the contract for services. Assigned staff are governed by all terms of these policies not in conflict with their contract for services.

5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

5.01 PAY

Pay for City employees is set each year by the City Council in the adopted City operating budget. Rules governing salary administration and pay increases are also established by the City Council.

5.02 PAYDAYS

The pay period for the City is biweekly. Checks are issued every two weeks on Friday, for each 14-day period ending at midnight on the Saturday preceding the pay date. If a payday falls on a holiday, checks will be issued on the last business day preceding the holiday.

5.03 CHECK DELIVERY

Regular paychecks will not be issued other than on the days set out above or as approved by the City Manager, or his/her designee.

Each department head, or his/her designee, is responsible for picking up paychecks for employees in their department from the City finance department after 8:00 a.m. on paydays. Exceptions will be made for employees working the night shift or those who will be absent on approved leave on payday. An employee's paycheck may only be released to the employee. Paychecks may only be released to someone other than the employee if the employee has previously submitted a request in writing to their department head, or his/her designee. If an employee designates another person to pick up their paycheck, the person authorized to pick up the employee's paycheck must show an official form of ID with a picture (i.e., driver license, etc.) to confirm their identity before the paycheck will be released to them. A terminating employee's paycheck will be mailed to the last address on file unless the finance department is otherwise instructed in writing by the employee.

Employees may choose to have their paychecks electronically deposited by completing a Direct Deposit Form and submitting verification of the routing and account numbers in the form of a voided check or a document from the bank.

No salary advances or loans against future salary will be made to any employee for any reason. (*Legal reference: Texas Constitution, Article III, Sections 51, 52, and 53.*)

An employee must promptly report any discrepancy in their paycheck (i.e., overpayment, underpayment, incorrect payroll deductions, etc.) to their department head or the finance department.

5.04 PAYROLL DEDUCTIONS

Any deductions must be approved and authorized by the City Council or City Manager, or his/her designee. Deductions will be made from each employee's pay for the following:

- Federal income taxes;
- Federal social security;
- Medicare;
- Texas Municipal Retirement System contributions (for regular full-time and eligible part-time positions);

- Court-ordered child support; and
- Any other deductions required by law.

If a terminating City employee fails to return City-owned equipment or property (uniforms, tools, etc.), a deduction equal to the value of the property or equipment will be withheld from their final paycheck. A former employee who returns the City-owned equipment or property in good condition and working order, will be reimbursed the amount of the deduction withheld from their final paycheck for the equipment or property during the next pay cycle.

In accordance with policies and general procedures approved by the City Council, deductions from an employee's pay may be authorized by the employee for:

- Group health/medical/life insurance for employees and dependents;
- Deductions for official City uniform rentals;
- International City Management Assoc. Retirement Corporation (ICMA-RC); ref. Resolution 426, approved by City Council 21 October 1980, effective 4 January 1981; and
- Other deductions as authorized by the City Manager.

If there is a change in the employee's direct deposit information, family status, address, or other factors affecting their payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning the appropriate forms communicating these changes to the human resources department. Changes to payroll records must be returned to the human resources department no later than close of business on the last Friday of the pay period for which the change is effective.

5.05 CLASSIFICATION PLAN

The City maintains a classification plan by which each class of positions is assigned to a pay group based on (1) the principle of equity among positions requiring similar knowledge, skills, and abilities and having similar levels of responsibility, and (2) market factors.

5.06 PAY PLAN

Pay ranges for each pay group are established by a pay plan which is recommended by the City Manager, or his/her designee, and approved by the City Council.

5.07 CLASSIFICATION AND PAY ADMINISTRATION

A new employee is normally hired at the entry rate of the pay group to which the position is assigned. A new employee may not be hired above or below the entry rate without specific written approval from the City Manager, or his/her designee.

If an employee is hired below the entry rate, the employee's performance will be evaluated after six consecutive months' employment, and a determination will be made by the employee's department head and the City Manager, or his/her designee, as to whether:

1. The employee's salary will be increased to the entry rate for the pay group;
2. The employee's salary will remain below the entry rate for an additional period of up to 90 days; or

3. The employee will not be retained in the position.

Hiring below the entry rate should only be used for employees whose qualifications fall short of the job's stated requirements, and who may take longer than normal to fully meet the job requirements and should not be used for employees who meet all of the job qualifications.

A current employee's rate of pay may be temporarily lowered for disciplinary reasons.

5.08 PAY GROUP ASSIGNMENTS

Within the general guidelines of the pay plan and the budget, the City Manager, or his/her designee, is authorized to determine the appropriate pay group to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated as not covered by the pay plan is paid within maximums set in a budget approved by the City Council.

5.09 COST-OF-LIVING ADJUSTMENTS

During budget deliberations for the coming year, the City Council may authorize a cost-of-living (COLA) pay increase.

When cost-of-living adjustments (COLA) are approved by the City Council, eligible pay grades within the pay schedule are increased by a specific percentage to reflect the adjustment. Employees will remain in the same pay grade previously assigned, but if they are in a COLA eligible pay grade, their salary will be automatically increased by the approved amount. In the event that an employee's salary exceeds range maximum, a cost-of-living adjustment will be given only if necessary to maintain that employee's salary at the new maximum.

5.10 LONGEVITY PAY

Longevity pay is additional pay for full-time and part-time employees who have at least one year of service with the City. All full-time employees shall earn longevity pay equal to eight dollars (\$8.00) per month for each completed year of service. All part-time employees shall earn longevity pay equal to four dollars (\$4.00) per month for each completed year of service. Longevity pay for each completed year of service shall be paid annually to eligible employees on the first paycheck in December. Terminated employees will receive prorated longevity pay on their final paycheck. Longevity pay will not be paid until an employee has completed a full year of continuous service with the City.

5.11 STEP INCREASES

Funds are designated by the City Council during the budgetary process for step increases. The designation may specify a designated maximum amount for each department, and the department head is authorized to approve or deny increases for the employees in their department, provided that the total amount of increases is within authorized budget limits.

A step increase is advancement to a higher salary in the same pay group. If the City budget provides funds for step increases, an employee is considered for a step increase annually on the employee's anniversary date, with the approval of the department head and City Manager. Unless otherwise approved by the City Manager, or his/her designee, step increases are given based on the employee's work performance and are not used to recognize increased duties and responsibilities.

There shall be no retroactive step increases granted unless approved by the City Manager, or his/her designee. It is the responsibility of the department head to submit to the human resources department the personnel action form necessary to initiate approved step increases for employees under his or her supervision. Step

increases are effective at the beginning of the pay period that includes the employee's anniversary date. Step increases are capped after 20 years of employment. Current employees that have been capped at 15 years of step increases are eligible to receive step increases for an additional five (5) years if they remain in the employment of the City.

5.12 CERTIFICATION PAY

Certification pay is additional pay to employees who obtain specific certifications related to their job. Additional pay is not given for a certification listed as a requirement in the job description because compensation for the required certification is included in the base pay for the position. Certification Pay is included on the second paycheck of each month.

Amounts paid for certification pay are determined by the department head and City Manager, or his/her designee. Department heads are not eligible for certification pay. Certification pay is given for the following certifications:

Animal Control

~~Animal Control Officer Advanced License~~

~~Animal Control Administrative Certification~~

Automotive Mechanics

~~State Inspector License~~

~~ASE Certified Automotive Technician~~

~~ASE Certified Automotive Maintenance and Light Repair~~

~~ASE Certified Automotive Heavy Duty Truck Repair~~

Development Services

Registered Code Enforcement Officer through Texas Department of State Health Service or similar agency (if Code Enforcement Officer is not primary position)

State Plumbing License Inspector with medical gas and multi-purpose Residential Fire Protection

Sprinkler Endorsements

Qualified Inspector licensed for grease traps

Emergency 2nd Responder

Fire Department

Intermediate Fire

Advanced Fire

Master Fire

EMT/Intermediate

EMT/Paramedic

Aerial Operator and Driver Operator (must obtain both certifications)

Fire Inspector

Basic Telecommunicator

Police Department

Intermediate Police

Advanced Police

Master Police

Basic Telecommunicator (Peace Officers Only)

Intermediate Telecommunicator

Advanced Telecommunicator

Master Telecommunicator

Various Certifications – Maximum of three (3) per employee:

Field Training Officer

Intoxilyzer Operator

Criminal Investigator

Firearms Instructor

Police Instructor

SWAT

Negotiator

Drone Pilot

Mental Health Officer

Bilingual

Municipal Court

Clerk Certification Level I

Clerk Certification Level II

Clerk Certification Level III

Public Works/~~Utilities~~

Animal Control

Animal Control Officer Advanced License

Animal Control Administrative Certification

Automotive Mechanics

State Inspector License

ASE – Certified Automotive Technician

ASE – Certified Automotive Maintenance and Light Repair

ASE – Certified Automotive Heavy-Duty Truck Repair

EVT – Emergency Vehicle Technician

Mechanic – Diesel

Utilities

~~Water Class C~~ Class C Groundwater

Class C Water Distribution

~~Water Class B~~ Class B Groundwater

Class B Water Distribution

~~Water Class A~~ Class A Groundwater

Class A Water Distribution

Class 2 Collection Wastewater

Class 3 Collection Wastewater

Customer Service Inspector (CSI)

Backflow Prevention Assembly Tester (BPAT)

General Services

Certified Non-commercial Applicator Pest License

Certified Non-commercial Applicator Lawn Ornamental License

Certified Non-commercial Applicator Weed License

Vector License – Mosquito Control

Certified Pool Operator

Certified Playground Safety Inspector

Workflow Zone Traffic Control

Level 1B HMA Roadway Specialist

CDL License

~~Backflow Prevention Assembly Tester (BPAT)~~

~~Customer Service Inspector (CSI)~~

~~If an employee obtains a certification listed above, and the certification is not required in their job description, the employee will receive Certification Pay, if approved by the department head and City Manager, or his/her designee. If an employee's job description requires a certification in one area, and the employee obtains a certification in another area, the employee will receive certification pay for the appropriate level of certification that was not required in the job description, with the approval of the department head and City Manager, or his/her designee.~~

~~**CDL License.** Employees holding CDL licenses will not receive certification pay. Employees will be reimbursed for the difference between the cost of their CDL license and the cost of a Class C driver license. It is the responsibility of the employee to submit a request for reimbursement on a City expense form, with all supporting documents attached, to their department head for approval within 30 days of paying for their new or renewed CDL license. Supporting documents include but are not limited to: Copy of receipt showing license information and amount paid, documentation showing the current cost of a Class C license from the DPS or the DPS website, etc. After reimbursement is approved, payment will be issued to the employee in the form of a reimbursement check by the finance department. The reimbursement will not be added to an employee's paycheck.~~

5.13 PROMOTIONS

A promotion is a change in the duty assignment of an employee which results in advancement to a higher paying position requiring higher qualifications and involving greater responsibility. A promoted employee will receive a pay increase of at least 10% of their current pay rate or the amount required to increase the employee's pay rate to the entry rate of the new pay group, whichever is higher. Promotions are approved by the City Manager, or his/her designee, within the staffing pattern and budget limits approved by the City Council.

An employee is not eligible for an annual step increase during the ~~first~~ six months introductory period after receiving a promotion. If the date of an employee's annual step increase falls within the first six months

following a promotion, the employee will not be eligible for a step increase until ~~their anniversary date the following year they have completed their six month introductory period for the new position. If approved by the department head and City Manager, or his/her designee, the step increase will be effective on the first day of the pay period following the completion of the six month introductory period. Thereafter, the eligibility date of future step increases will be on the anniversary of the employee's original date of hire. Promotions are approved by the City Manager, or his/her designee, within the staffing pattern and budget limits approved by the City Council.~~

A promotion should not be deemed completed until ~~an introductory period of six months has elapsed the employee has successfully completed the six month introductory period, unless otherwise approved by the department head and/or City Manager, or his/her designee.~~ Should a promoted employee not successfully complete the introductory period, the employee is eligible to apply for another open position or may return to the previous position held, if it is still available and approved by the department head and City Manager, or his/her designee. If a position is not available for which the employee is qualified, the employee will be terminated.

5.14 LATERAL TRANSFERS

A lateral transfer is the transfer of an employee from their current position to another position in the same pay group. Lateral transfers may be made within the same department or between different departments of the City. An employee will not normally receive a pay increase or reduction when making a lateral transfer, unless otherwise approved by the department head and City Manager, or his/her designee. If a position is reclassified but remains assigned to the same pay group, no pay adjustment will take place. A six-month introductory period applies to employees making a lateral transfer to a different position.

5.15 DEMOTIONS

A demotion is a change in duty assignment of an employee to a lower paid position with less responsibility. With the approval of the department head and City Manager, or his/her designee, demotions may be made for the following reasons:

- An employee request for transfer to a position with less responsibility;
- Reclassification of the employee's current position;
- Disciplinary action; or
- Unsatisfactory performance in a higher position.

A demotion may involve a decrease in pay.

If a position is reclassified to a lower pay group due to the changing needs of the City, every attempt will be made to maintain the employee's current rate of pay.

If the reclassification is due to an employee's unsatisfactory job performance, the employee's pay may be decreased at least one step below the employee's current step on the City's pay plan, with the approval of the department head and City Manager, or his/her designee. The employee may also be put on probation for up to 90 days.

5.16 PAY REDUCTION FOR DISCIPLINARY REASONS

As a disciplinary action for unsatisfactory job performance, an employee's pay may be reduced to a lower rate. The period covered by this type of disciplinary action may not exceed a total of 90 calendar days. The amount of the pay reduction may be up to 10% of the employee's current pay rate and will be determined by the department head and City Manager, or his/her designee. Upon completion of the 90-day period, the department head will review the employee's job performance with the City Manager, or his/her designee, to determine if the employee's rate of pay will be returned to the previous rate, another disciplinary action will be initiated, or if the employee will be terminated. See the chapter of these policies on **Discipline** for information about suspension with or without pay for disciplinary reasons.

5.17 ASSIGNMENT PAY

An employee who is temporarily appointed to perform the duties of a higher classified position that requires additional training and education is entitled to Assignment Pay for any period of time in which the employee performs those duties for more than three (3) consecutive shifts or tours of duty. The employee will be paid a pay rate equal to the entry level for the higher-level job or, if the employee's current rate of pay is higher than the entry level pay rate, at least one step higher than the employee's current rate of pay. It is the responsibility of the department head to initiate Assignment Pay by promptly submitting a personnel action form approved by the City Manager, or his/her designee, to the human resources department.

5.18 APPROVING AUTHORITY

The City Manager, or his/her designee, is the approving authority for all payrolls and for any pay increases, decreases, or payroll transfers granted under the terms of (1) these policies; (2) the classification and pay plans; or (3) the annual budget.

6.00 WORK SCHEDULE, TIME REPORTING, AND OVERTIME

6.01 HOURS WORKED

Normal working hours for most City employees are Monday through Friday, 8:00 a.m. to 5:00 p.m., with one hour for lunch, for a total of 40 hours per workweek. However, other hours of work and official work periods for individuals or groups of employees may be set by the department head with approval of the City Manager, or his/her designee.

Adjustments to the normal hours of operation of City facilities or departments may be made by the City Manager, or his/her designee, in order to better serve the public. Offices may be required to remain open during the noon hour, and some employees may have their lunch hours staggered so that the City may provide this service.

Breaks

Policy: The City allows rest breaks as authorized by an employee's department head during the course of each work day to prevent undue fatigue.

Procedure:

Rest Breaks. Depending on individual departmental work schedules, and at the discretion of the department head, employees scheduled to work at least eight (8) hours per day may take up to two (2) 15-minute paid breaks each day. One 15-minute break is allowed during the first part of the work shift and another 15-minute break is allowed during the latter part of the work shift. Rest breaks may not be combined to enable employees to take longer than fifteen minutes or split into smaller increments to enable employees to take more than two (2) rest breaks per day. Employees may not leave their work site to take care of personal business during their rest breaks. Rest breaks not taken are forfeited and may not be accrued or carried over to a different work day. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action, up to and including termination of employment, for excessive tardiness.

Practices Not Permitted. The following practices are not permitted uses of paid rest breaks, except when approved by the department head:

- Leaving the work site property to take care of personal business during rest breaks;
- Combining two fifteen (15) minute rest breaks into one thirty (30) minute rest break;
- Taking more than two (2) rest breaks per day;
- "Banking" break time from day to day; or
- Saving break time to extend lunch periods or shorten the scheduled work day.

Meal Periods. Employees scheduled to work at least 8 hours per day (excluding designated police and fire department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the department head in order to minimize departmental interruption and ensure adequate coverage in the department. Department heads will provide employees with the starting and ending times for their specific meal periods.

Employees will be relieved from work responsibilities during unpaid meal periods. Employees may not extend meal breaks beyond their assigned period unless approved by the department head. An employee is expected to take their assigned meal period and should be punctual in starting and ending meal periods. Unless prior approval has been received from their department head, employees working through their unpaid meal period, choosing not to take meal periods, taking shorter meal periods, or returning late from meal periods will be subject to disciplinary action, up to and including termination of employment. Employees are also subject to disciplinary action, up to and including termination of employment, for accumulating unauthorized overtime due to missing or shortening their lunch periods.

Lactation Break. ~~*The City encourages its employees with infants to breastfeed and will accommodate mothers who choose to do this.*~~ Nursing mothers will be provided with reasonable unpaid break time to express breast milk for up to one year after the birth of a child in accordance with applicable law. ~~If an employee needs time beyond the usual lunch and break times, the employee may use vacation or make up time as approved by supervisor. Employees and department heads are expected to agree, in advance, on a break schedule and how the time will be counted or made up. A private room will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer.~~ ***Discrimination against an employee based on the employee's exercise of her right to breastfeed in the workplace is expressly prohibited and will not be tolerated.*** (Legal reference: ~~Texas Health and Safety Code Title 2, Chapter 165 Breast-Feeding; Fair Labor Standards Act, Section 7(r) Break Time for Nursing Mothers.~~)

~~**Supervisor Responsibility.** Department Heads are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the workload and nature of the job performed. Whenever necessary, the department head may change the frequency and length of rest breaks.~~

~~***The City will provide nursing employees with reasonable break time and a place, other than a bathroom, that is shielded from view, each time a nursing employee has a need to express milk, for up to one year after the birth of a child..*** If an employee needs time beyond the usual lunch and break times, the break will normally be unpaid. However, the employee may request to use their accrued vacation or will be allowed to make up work time with the approval of their department head. Employees will not be required to make up time missed to express milk but may request to do so. The employee and their supervisor or department head should agree on a break schedule based on the employee's needs to pump and which break times will be paid, unpaid, paid using accrued vacation, or whether the time will be made up at the employee's request. This break schedule should be adjusted as the needs of the nursing employee changes. A place that is shielded from view, other than a bathroom, will be provided for nursing mothers to use. Employees who have a private office may use it if they prefer. ***Discrimination against an employee based on the employee's exercise of her right to express milk in the workplace is prohibited and will not be tolerated***~~

~~**Practices Not Permitted.** The following practices are not permitted uses of paid rest breaks:~~

- ~~• Leaving the work site to take care of personal business during rest breaks;~~
- ~~• Combining two daily rest breaks into one thirty (30) minute rest break;~~
- ~~• Taking more than two (2) rest breaks per day;~~

- ~~"Banking" break time from day to day;~~
- ~~Saving break time to extend lunch periods or shorten the scheduled work day; or~~
- ~~Requesting compensatory time off or overtime pay for work performed during rest breaks.~~

Attendance and Punctuality

To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, as a general rule, the employee must personally notify their supervisor by phone, text, or e-mail **within 15 minutes before** the time he or she is expected to begin work, or in accordance with departmental procedures, unless emergency conditions exist. The employee must disclose to the supervisor whether the absence or tardiness is approved Family Medical Leave, if applicable, or sick leave, and the date and time of anticipated return to work. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement. An employee who does not personally speak with the supervisor by phone must leave a detailed message with the information described above.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the City of an absence of three days or more may be presumed to have voluntarily resigned employment.

The City Manager, or his/her designee, determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the City's budget and these policies.

(Legal references: U.S. FLSA of 1938, as amended, including 2016 Revised Regulations; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)

6.02 OVERTIME WORKED

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

The policy of the City is to allow overtime only in cases of emergencies, special circumstances, or when specifically authorized by the City Manager, or his/her designee. Employees may be required, in emergencies, to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable **number** of hours under the Fair Labor Standards Act (FLSA) (40 hours per seven-day workweek for non-police and non-firefighting employees; 80 hours per 14-day work period for police officers; and 106 hours per 14-day work period for firefighting employees).

For most employees, overtime begins to accrue after the 40th hour worked during the seven-day workweek. For police officers, overtime begins to accrue after the 80th hour worked during the 14-day work period. For firefighting employees, overtime begins to accrue after the 106th hour worked during the 14-day work period.

All overtime services by employees covered under FLSA must be authorized by the employee's supervisor and approved by the department head.

Each City job description designates whether persons hired in that classification are exempt from, covered by (nonexempt), or not covered by the overtime provisions of FLSA.

(Legal reference: Fair Labor Standards Act of 1938, as amended, including 2016 Revised Regulations.)

6.03 NON-EXEMPT EMPLOYEES

When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor or department head. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight-time work.

All non-exempt employees must receive their supervisor's and department head's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor and approval by the department head. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor and approval of the department head. An employee must submit an Overtime Authorization Form to their department head for approval of paid overtime. After approval of overtime, the form should be attached to the employee's timesheet and submitted to the finance department for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will be subject to disciplinary action, up to and including termination of employment.

Generally, except for fire and police department shift employees, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 during the City's workweek. (The City's workweek begins at 12:01 a.m. on Sunday and ends at 12:00 midnight on the following Saturday.) Overtime pay for police department shift personnel is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 80 during the City's bi-weekly pay period. Overtime pay for fire department shift personnel is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 106 during the City's bi-weekly pay period or are paid overtime based on the work cycle adopted by their department under Section 207(k) of the Fair Labor Standards Act.

Time off due to paid holidays, sick leave, vacation leave, jury duty, non-work-related witness duty leave, funeral leave, or any other approved leave of absence is not considered time worked for purposes of overtime pay calculations.

(Legal references: Fair Labor Standards Act of 1938, as amended, including 2016 Revised Regulations; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)

6.04 EXEMPT EMPLOYEES

Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

The City, however, recognizes that exempt employees may work more than 80 hours per pay period. Exempt employees will not be paid monetarily for this time, but will be allowed to take the time off with the approval of the City Manager, or his/her designee. This policy for time off will be allowed only at the discretion of the City Manager, or his/her designee. This policy does not apply to part-time, recreational, or seasonal employees.

“Docking” an exempt employee’s pay for a partial day’s absence will be permitted only as authorized by law and approved by the City Manager, or his/her designee. It is the policy of the City not to make improper deductions from an exempt employee’s pay. Any exempt employee who believes an improper pay deduction has been made, must immediately notify the human resources department. The City will promptly reimburse an exempt employee for any improper deduction(s) and will continue to make a good faith commitment to comply in the future.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

Conditions for Exemption. The first condition an employee must meet in order to be considered exempt from FLSA is the employee’s salary must be at least \$913 per week, or \$47,476 annually. City employees who are in exempt positions most often qualify under the executive, administrative, professional or highly compensated exemptions, as defined below. These are the additional conditions an employee must meet to be exempt from the overtime provisions of FLSA:

- **Executive.** The executive exemption is for persons whose primary duty is “management” of the business. An employee who has management of a department or a subunit thereof as his or her primary duty, and regularly supervises two or more employees, qualifies for the executive exemption. The Department of Labor regulations define “management” as interviewing, selecting, and training employees; planning and assigning work and determining how the work will be done; directing and evaluating the work of other employees; handling complaints and grievances; and disciplining employees.
- **Administrative.** Administrative employees are “white collar” employees who perform “work of substantial importance to the management of the operation” or the enterprise. An employee whose primary duty is performing office or non-manual work directly related to management policies or general business operations of the City, as opposed to production or direct services, and includes work requiring the exercise of discretion and independent judgment, will qualify as an exempt administrative employee.
- **Professional.** To qualify for the professional exemption, an employee must have as his or her primary duty work requiring knowledge of an advanced type, customarily acquired by a prolonged course of specialized intellectual instruction and study. The work must require the consistent exercise of discretion and independent judgment and must be predominantly intellectual and varied in character. Examples of the professional exemption include attorneys, doctors, teachers, and

registered nurses. In addition, computer programmers, systems analysts, and certain other computer employees qualify as professional employees.

- **Highly Compensated Employee.** A highly compensated employee is one who is paid at a rate of at least \$134,004 annually and meets at least one of the criteria for one of the other exemptions.
- **Recreational Exemption.** Employees engaged in recreational or seasonal activities which do not operate for more than seven months in any calendar year, and which meet the other statutory prerequisites, are also exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees.

(Legal Reference: Fair Labor Standards Act of 1938, as amended, including 2016 Revised Regulations.)

6.05 WORK PERIOD

The official work period for most City employees is a seven-day period beginning at 12:01 a.m. on Sunday and ending at 12:00 midnight on the following Saturday.

The official work periods for police and fire personnel are different in length from the above work period.

Police Officer Work Periods and Work Schedules

In accordance with the exception allowable under Section 207(k) of the Fair Labor Standards Act (FLSA) and 29 C.F.R. Part 553, the City has established the following work period for its police officers:

- The official work period consists of 14 days with each shift consisting of eight work hours per day. Each officer on each shift is given a paid meal break of 45 minutes during the shift. However, during the mealtime, the officers are required to remain in contact with the department. Thus, each officer works eight hours each workday resulting in a total of 80 scheduled working hours each 14-day work period.
- Each officer's regular hourly rate for the purpose of computing the time and one-half overtime rate will be based on 80 working hours per 14-day work period; time and one-half overtime pay will commence after the 80th hour worked in a 14-day period.
- If a police officer is required to work an extra full shift due to the absence of another officer who is on sick or vacation leave, the officer working the extra shift will receive time and one-half overtime compensation for the full shift. If a police officer is required to work only a partial shift to substitute for another officer who is on approved leave, he or she is paid time and one-half overtime for the total actual number of hours worked. The time-and-a-half overtime rate applies in both situations. However, if the employee has used leave during the pay period in which the extra full shift or partial shift is required, the provisions of the paragraph in this chapter titled **Leave Taken and Overtime** apply.
- The police chief will notify affected employees at least once annually of the beginning and ending dates and times of the 14-day work period. Subsequent work periods follow the calendar in 14-day cycles and track the City's pay periods.

Fire Personnel Work Periods and Work Schedules

In accordance with the exception allowable under Section 207(k) of the Fair Labor Standards Act (FLSA) and 29 C.F.R. Part 553, the City has established the following work period for its fire personnel:

- Each firefighter's regular hourly rate for the purpose of computing the time and one-half overtime rate will be based on 106 working hours per 14-day work period; time and one-half overtime pay will commence after the 106th hour worked in a 14-day period.
- The fire chief will notify affected employees at least annually of the beginning and ending dates and times of the first 14-day work period. Subsequent work periods follow the calendar in 14-day cycles and track the City's pay periods. The fire chief or his or her designee will be responsible for posting proper shift schedules, so all fire personnel are aware of any shift changes. The work period follows consecutively unless or until there is a need for a permanent change.

Depending upon personnel available, the police chief and fire chief may establish different work schedules for their personnel for temporary periods of time until the personnel shortage has been eliminated.

(Legal references: 207(k) of the Fair Labor Standards Act (FLSA) and 29 C.F.R. Part 553.)

6.06 SCHEDULE ADJUSTMENTS

During the summer months Public Works employees work five days per week, 8 hours per day, according to a seasonal work schedule at the discretion of the department head. The Public Works Director must confer with the City Manager, or his/her designee, and the payroll officer before making the transition each year to ensure that the schedule is changed on a date that does not result in payment of overtime pay.

6.07 OVERTIME COMPENSATION

Only **nonexempt employees** may be compensated for overtime worked by being given compensatory time off (comp-time), at one and one-half times the number of hours worked in lieu of being paid overtime compensation with the approval of the department head and City Manager, or his/her designee.

Flex-Time Work Schedule. The **preferable method** for overtime compensation is to schedule **equal time off** for the affected employee **during the same work period** in which overtime was worked (one week for most employees, 14 days for police officers and firefighters). **The flex-time must be accurately reflected on the employee's time record.**

The City discourages time and one-half payment for overtime, which may be authorized by the department head or City Manager, or his/her designee, only if adequate funds are available in the department's budget. The City discourages the accumulation of compensatory time off for non-exempt employees at one and one-half times the number of hours worked, because of the contingent liability this creates for the City.

Working overtime without the approval of the employee's supervisor or department head may be subject to disciplinary action up to and including termination of employment.

(Legal reference: U.S. FLSA of 1938, as amended, including 2016 Revised Regulations.)

6.08 COMPENSATORY TIME

In accordance with the Fair Labor Standards Act, the City may grant non-exempt employees compensatory time off (comp-time) in lieu of compensation for hours worked in excess of 40 hours a week, or other

permissible work schedules for law enforcement, firefighting, emergency management, seasonal, and other employees. *(Legal reference: U.S. FLSA of 1938, as amended, including 2016 Revised Regulations.)*

Employees may accrue compensatory time off at one and one-half times the number of hours worked up to a maximum number of hours, which may be accrued and used within the next 180 days. The City discourages the accumulation of compensatory time off for non-exempt employees at one and one-half times the number of hours worked, because of the contingent liability this creates for the City. As a general rule, no more than 60 hours of compensatory time (representing 40 overtime hours worked) should be allowed to accumulate for non-police and non-fire employees, and no more than 120 hours (representing approximately 80 hours worked) for police and fire employees, without the written consent of the City Manager, or his/her designee.

Compensatory time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this policy. Overtime hours worked beyond the applicable cap must be paid or flexed, as described in the preceding section of these policies. All compensatory time earned must be accurately documented on the employee's timesheet.

Supervisors are expected to schedule an employee's compensatory time off within the 180-day period following the overtime worked and may require the employee to take the time off to avoid payment of overtime hours worked. An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested compensatory time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all of the employee's accrued compensatory time. Use of compensatory time will reduce accrued balances in the order that the leave time was accrued (leave accrued first is used first).

Payment of Comp Time upon Reclassification from Non-Exempt to Exempt, Promotion, Demotion, Transfer or Termination. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued compensatory time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or compensatory time. Likewise, an employee who is promoted, transferred or demoted to another non-exempt position will be paid in full for any compensatory time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused compensatory time at the employee's current hourly rate.

NOTE: Exempt employees are not eligible to earn and accrue compensatory time.

6.09 HOLIDAYS WORKED

The City's basic policy is that each full-time regular employee receives a specified number of paid holidays per year, as set forth in these policies. In most instances, if a non-exempt full-time or part-time employee is called in or scheduled to work on a holiday, he or she will be paid straight time for the holiday plus one-half times his or her regular hourly rate for the total number of hours worked on the holiday.

For employees whose normal work schedule is Monday through Friday, the scheduled holiday is the designated holiday observed by the City, which may or may not be the actual holiday on the calendar. For employees whose normal work schedule is something other than Monday through Friday, the scheduled holiday is the actual holiday on the calendar. See **Work During Holidays** section of this manual for more discussion of this policy.

Holiday pay is not considered hours worked toward overtime for the purposes of hours worked for a regular workweek basis. (40 hours per week for most employees, 80 hours per 14-day work period for police officers, and 106 hours per 14-day work period for firefighters).

6.10 LEAVE TAKEN AND OVERTIME

If a full-time employee who is subject to the overtime provisions of FLSA is required to work extra hours during a workweek in which he or she has used paid holiday leave, sick leave, vacation leave, or any other type of released time, the employee will be given either hour-for-hour time off or pay at the employee's regular straight-time rate of pay for the extra hours worked. However, if the extra hours worked are greater than the number of leave time hours taken, the employee will be compensated for overtime at one and one-half times the regular rate of pay for the number of extra hours worked which were not offset by the leave time hours taken.

6.11 TIME REPORTING

Supervisors will keep records of all hours worked and time not worked and, where appropriate, hours credited to particular projects. Forms for this purpose are provided by the City.

Time records must be signed by the employee's immediate supervisor and department head. It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

Altering, falsifying, tampering with time records, or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment.

Each department head is responsible for ensuring that all hours worked and leave time taken are reported accurately on the time sheets sent to the director of finance and recorded on the individual department's records.

6.12 "ON CALL" AND "STANDBY" TIME

The vital nature of certain City services requires that some employees be available in an "on call" or "standby" status in the evenings and over holidays and weekends to ensure the continuity of those vital services.

An employee in "on call" or "standby" status is provided a cell phone and the employee is required to respond within 30 minutes of receiving call. When an employee who is "on call" is called to duty, the employee will be paid one and one-half times the regular rate of pay for the number of extra hours worked, if their hours exceed the allowable number of hours under FLSA as stated in the **Overtime Worked** section of this manual (40 hours per seven-day workweek for non-police and non-firefighting employees; 80 hours per 14-day work period for police officers; and 106 hours per 14-day work period for firefighting employees).

"On call" or "standby" pay is authorized for utility workers and is paid at the current rate of \$38.46 per pay period.

6.13 OFFICE CLOSINGS IN EMERGENCIES

Except for extraordinary circumstances, City offices DO NOT CLOSE. All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or department head and plan to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation or compensatory time. Regular full-time and part-time non-exempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

The department head/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager, or his/her designee.

When weather or other conditions are such that the City Manager, or his/her designee, declares certain City offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted “administrative leave” for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the department head and/or the City Manager, or his/her designee. Essential personnel who fail to report to work may be subject to disciplinary action, up to and including termination of employment. Employees are required to sign an acknowledgment form that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment.

Long-term closings will be handled according to circumstances on a case-by-case basis.

6.14 EMERGENCY EVENT REMOTE WORK POLICY

Purpose

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

Background

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

Definitions

Remote Work – An arrangement in which an employee performs regular work at an alternative work site for a specified portion of the week for a limited and specified period. Occasional work off-site, including work while traveling on Universal City business, does not constitute remote work and does not require the formal arrangement specified in this policy.

Remote Employee – An employee who has an approved remote work arrangement on file and is working from an approved alternate work site.

Alternative Work Site – An employee will establish an appropriate work site within their home for work purposes. The City of Universal City will not be responsible for the costs associated with the initial setup of the employee’s home office such as remodeling, furniture, high speed internet services, etc.

Scope

Certain requirements for all remote work arrangements are set forth in this policy and are intended to ensure that such arrangements comply with all applicable laws as well as to prevent losses and claims. Aside from these requirements, and with the caveat that careful consideration must be given to the issues presented in this policy, the intent is to allow remote work arrangements as an alternative to working at the employees’ normal worksite in the event that there is a wide scale catastrophic event in order to maintain the City’s essential services.

A remote work arrangement is not an entitlement and in no way changes the terms and conditions of employment with the City of Universal City. Remote work is not a formal employee benefit or a condition of employment, but rather a temporary alternate method of meeting the needs of both the City and the employee. The City of Universal City considers remote work to be a viable work arrangement in certain cases where job characteristics are best suited to such an arrangement.

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

The employee understands that remote work is a mutually agreed upon work alternative between the City and employees and the employee will be required to complete a Remote Work Arrangement Agreement. The City, with or without cause, can revoke or modify the employee’s participation as a remote employee at any time.

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

Procedures and Responsibilities.

Emergency Event

In the event of a wide scale emergency that could impact our community, the City Manager, or an authorized designee, can declare the City in an emergency event status and activate the ability to utilize this policy. All employees must be ready to assist in managing the crisis and will be considered essential for the continuity of governmental operations.

Eligibility

Before entering into any remote work agreement, the Employee and Director, with the assistance of the Personnel Benefits Manager, will evaluate the suitability of such an arrangement, reviewing the following areas:

Employee Suitability. The Employee and Director will assess the needs and work habits of the Employee, compared to the traits customarily recognized as appropriate for successful remote employees.

Job Responsibilities. The Employee and Director will discuss the job responsibilities and determine if the job is appropriate for a remote work arrangement.

Equipment Needs, Workspace Design Considerations and Scheduling Issues. The Employee and Director will review the physical workspace needs and the appropriate location for the remote work.

An appropriate level of communication between the remote work 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 Remote Work Agreement, the Department Director, the Personnel Benefits Manager, and the City Manager must approve and sign the forms.

Equipment

The City will provide equipment that is essential to an employee's job duties, such as laptops and cell phone (when available and applicable). The City will not provide secondary equipment (e.g. printers and screens). The Director and Personnel Benefits Manager will serve as resources in this matter. Equipment supplied by the City will be maintained by the City.

Equipment supplied by the employee, if deemed appropriate by the City, will be maintained by the employee. The City accepts no responsibility for the damage or repairs to employee-owned equipment. The City reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the City is to be used for business purposes only. The remote employee must sign an inventory of all City property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment or at the end of the remote work arrangement or need, all City property will be returned to the City, unless other arrangements have been made.

The City will supply the employee with appropriate office supplies, (pens, paper, etc.) as deemed necessary and will also reimburse the employees for business-related expenses such as shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within their home for work purposes. The City 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.

The City will not be responsible for the cost of internet service or setup of the employee's home network or office space.

Security

Consistent with the City's expectations of information security for all employees working at the office, remote work 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, and any other measures appropriate for the job and the environment. Employees are still expected to adhere to the Use of City Computers, Internet Access & Electronic Mail Policy in the Personnel Policies and Procedures Manual.

Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the City's workers' compensation policy. Remote work employees are responsible for notifying the employer of such injuries immediately. The employee is liable for any injuries sustained by visitors to his or her home worksite.

Remote work is not designated 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 remote employees are encouraged to discuss expectations of remote work with family members prior to entering an agreement.

Time Worked

Remote work employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked and submit the documentation to the Personnel Benefits Manager's office. Hours worked in excess of 40 hours per workweek require the advance approval of the Remote Employee's Department Head. Failure to comply with this requirement may result in discipline up to and include the immediate termination of the Remote Work Arrangement Agreement and the employee.

Ad Hoc Arrangements

Temporary, short-term remote work arrangements may be approved for circumstances such as inclement weather, special projects, or business travel. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the City with the consent of the employee's health care provider, if appropriate.

All informal remote work arrangements are made on a case-by-case basis, focusing first on the business needs of the City.

Accountability

Employees who are found to be in violation of any part of this policy may be subject to disciplinary action as outlined in the City of Universal City Personnel Policies & Procedures Manual.

Enforcement

The Department Head and Personnel Benefits Manager will be responsible for the enforcement of this policy. The original executed Emergency Event Remote Work Policy must be submitted to the Personnel Benefits Manager's office.

7.00 BENEFITS

7.01 MEDICAL AND LIFE INSURANCE

Regular full-time employees of the City are eligible for group health benefits (general medical, hospitalization, prescription drug, and life insurance benefits) on the first day of the month following a 30-day employment period. The City pays 100 percent of employees' health, dental and life insurance premiums. Employees are responsible for the cost of vision insurance, optional life insurance, long-term disability and dependent insurance coverage.

Upon employment, each regular full-time employee is given detailed information about the City's insurance programs. See the section of these policies on **Continuation of Group Insurance** for information on continued coverage after certain status changes.

In addition, the City offers eligible employees a "cafeteria plan" approach for other benefits. This option will continue to be available to City employees until or unless it is either no longer feasible under the U.S. Internal Revenue Code or the City Council votes to cease making it available to City employees. For more information about the cafeteria plan, employees should contact the human resources department.

The City offers health insurance coverage under the same terms and conditions as current employees for employees who retire or who become disabled and must take disability retirement as a result of an injury that occurs in the line of duty (*Legal reference: Tex. Local Gov't Code §§ 175.001 et seq., as amended*). However, the City does not contribute to the cost of insurance for retirees. Retirees pay 100 percent of their medical, dental and vision insurance. Life insurance and long-term disability coverage ends when employment terminates.

Employee Assistance Program (EAP)

The City will provide, at no cost to employees, confidential and voluntary assistance through its employee assistance program (EAP) to all employees and their family members who may be faced with challenges of financial concerns, legal issues, substance abuse problems, marital problems, illness of a family member, emotional worries, childcare problems, etc. For the welfare of employees as well as for effective business operations, the City encourages its employees to take advantage of this valuable benefit.

Procedures

Employees and their family members may refer themselves to the EAP. The program may be reached 24 hours per day seven days per week.

Meetings with EAP Counselors

EAP counselors are available to meet with employees or family members to assess a problem and develop a plan for resolution. The counselors may suggest a referral to an outside resource, such as a therapist, agency, physician, treatment facility or other professional that would be appropriate to assist in resolving the problem or situation. Where an employee may need information, a referral or suggestion may be made over the telephone. There is no charge for employees or their families to use the services of the EAP.

EAP Visits During Work Hours

Employees who want to visit the EAP during regular work hours must get prior approval from their department head and must use applicable leave time for the missed work time. If illness requiring treatment or rehabilitation is involved, the employee must adhere to the Leave Time Policy in this manual.

The EAP counselors will make every effort to coordinate referrals for ongoing treatment with the employee's health insurance coverage as well as their ability to pay.

Referrals for Employee Performance or Behavior Issues

When an employee's job performance or attendance is unsatisfactory or there appears to be signs of other problems during the workday, the department head should counsel the employee with an end toward resolving the situation. If the employee appears to be unable or unwilling to correct the situation, the employee may be referred to the EAP to assist in the resolution of the problem. Depending on the situation, the employee may accept or refuse participation in the EAP. However, there may be situations where the employee's continued employment with the City may be contingent upon the employee's participation in the EAP services.

Participation in the EAP does not jeopardize job security or promotional opportunities. However, it does not excuse the employee from following City policies and procedures or from meeting required standards for satisfactory job performance except where specific accommodations are required by law.

Fees

EAP services are provided without cost to employees. It is the employee's responsibility to pay for services provided by any resource outside the EAP that are not covered by the employee's current insurance plan.

Confidentiality

All contact between the employee and the EAP is held strictly confidential. In cases where an employee's continued employment is contingent upon contacting the EAP, the EAP counselor will only verify whether the employee has contacted the EAP and, if ongoing treatment is necessary, that the employee is following through with treatment. Information given to the EAP counselor may be released to the City only if requested by the employee in writing. All counselors are guided by a professional code of ethics.

The City will treat all information regarding an employee's treatment through the EAP as confidential and, when applicable, will file documents in the employee's confidential medical file located in the human resources department.

Termination of EAP Services

When an employee terminates employment with the City, they are no longer eligible to seek assistance through the EAP.

7.02 SOCIAL SECURITY

All employees of the City are covered by Social Security. The City also contributes to the Social Security System on behalf of each employee.

7.03 RETIREMENT

The City is a member of the Texas Municipal Retirement System (TMRS). Regular employees are required to become members of TMRS and are eligible for this benefit immediately upon employment. Both the employee and the City contribute to the employee's retirement account.

Employees who terminate City employment prior to retirement may choose to receive a refund of their total member deposits plus interest. Employees who request a refund of their retirement account will forfeit all City contributions. An employee who is not vested and does not go to work for another TMRS city, also has the option to leave their contributions with TMRS for up to 60 months and continue their TMRS membership. Their deposits continue to be credited with interest for the 60-month period. Vested employees may leave their member deposits with TMRS until they are eligible and choose to retire. Their deposits continue to be credited with interest.

Employees are eligible to retire when they are at least age 60 and have at least five (5) years of service credit. Employees may also retire at any age when they have at least 20 years of service credit. A new employee receives a brochure about the City's specific retirement coverage and options under TMRS at the time of employment. The human resources department has additional information about the retirement plan, which is available upon request.

Retiree Health Coverage

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 Universal City 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 Universal City 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. The Retiree must have worked for the City of Universal City for a minimum 15 years (180 months) as evidenced by their TMRS or Deferred Compensation credits. Employees that have worked for Universal City on multiple occasions may combine prior and current

months served in Universal City to complete the 15 years (180 months) eligibility requirement.

~~B.C.~~ Retirees and their eligible dependents who elect to stay on the Health Plan will be required to begin paying monthly premiums immediately upon retirement. The City of Universal City will establish the cost/rates for retiree coverage annually. The cost/rates coincide with the renewal of the active employee medical coverages.

~~C.D.~~ 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, who is under age 65, and any Dependent Children, who are under age 26, 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.E.~~ 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.
2. A Dependent Child, as defined by the Health Plan, may continue ~~to be covered under Health Plan as long as the Retiree r~~coverage following the death of the Retiree until such time as the Dependent Child becomes eligible for other health care coverage, reaches the age of 26, or passes away.~~emains enrolled, and all other eligibility requirements of the Health Plan are met.~~ Regardless of prior enrollment, 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. The Retiree's Dependent Child is required to pay the full cost of coverage.

III. Retiree Health Plan Benefit Coverage

A. Retirees are able to maintain Retiree coverage through the Health Plan until they reach age 65. 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 depending on their status as "grandfathered" or "non-grandfathered."

1. Retirees are considered grandfathered if they were enrolled in medical coverage through the health plan prior to January 1, ~~2023~~2023. Grandfathered retirees will pay the monthly rates shown below for the retiree's medical coverage elected beginning January 1, ~~2023~~2024, through December 31, ~~2023~~2024. Dependent coverage will be an additional cost to the retiree.

EPO Plan	\$638.67 <u>591.30</u>
HMO Plan	\$585.74 <u>506.72</u>
High Deductible Health Plan	\$443.53 <u>418.01</u>

2. Retirees are considered non-grandfathered if they were not enrolled in medical coverage through the health plan prior to January 1, 2023. Non-grandfathered retirees will pay the monthly rates shown below for the retiree’s medical coverage elected between January 1, 2023, through December 31, 2023. Dependent coverage will be an additional cost to the retiree.

EPO Plan	\$798.34 <u>886.95</u>
HMO Plan	\$732.18 <u>760.08</u>
High Deductible Health Plan	\$554.41 <u>627.02</u>

IV. Retirees Age 65 Or Older

- A. Grandfathered and non-grandfathered retirees who are Medicare eligible **or** age 65 or older will no longer have access to the medical plan in the Health Plan. Retirees will continue to have access to the City’s Dental and Vision Plans.
- B. 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. Once a Retiree’s Spouse reaches age 65, they will no longer be able to access 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, 2023, will remain grandfathered and will have access to the applicable retiree premium rates until the Spouse reaches age 65.
- C. 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.

IV. 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 Universal City ceases to provide group health insurance.
- b. The monthly premium payment is not timely made to the City of Universal City.
- c. The Retiree returns to Active Employee status with the City of Universal City 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.

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

7.04 WORKERS' COMPENSATION

Employees of the City are covered by the workers' compensation insurance program, and the City pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work related injuries. Detailed information about workers' compensation benefits is found in the sections of this manual under the main heading **Health and Safety**. (*Legal reference: V.T.C.A. Labor Code, Title 5, Subtitle A and Chapter 504.*)

7.05 UNEMPLOYMENT INSURANCE

All employees of the City are covered under the Texas Unemployment Compensation Insurance program, and the City pays for this benefit. This program provides payments for unemployed workers in certain circumstances. (*Legal reference: V.T.C.A. Labor Code, Title 4, Subtitle A.*)

7.06 LEAVE TIME

Regular full-time City employees are eligible for holiday, vacation leave, sick leave, and other types of leave time under certain circumstances. Detailed information about leave time is found in the sections of this manual under the main headings **Leave Time** and **Holidays**.

7.07 TUITION REIMBURSEMENT

Summary

The City of Universal City encourages and supports its employees in pursuing educational opportunities, in keeping with the needs of the City of Universal City and its citizens. The purpose of the program is to broaden the knowledge of employees in their fields and/or to provide avenues for career development. All reimbursements are subject to the availability of funds in the City budget.

Purpose

This program is available to employees who wish to voluntarily pursue educational advancement or training outside the course of their employment with the City. It does not apply to courses or training required by the City. It also does not cover professional licensing and professional development seminars, as any course, training, licensing or certification that is required by the City should be covered by funds within each department. Employees who participate in this program will attend classes and complete coursework on their own personal time. If a class is only available during an employee's normal work hours, the employee may request a flexible work schedule from the Department Head. A memorandum outlining the employee's flexible work schedule must be signed by the employee, approved by the Department Head and forwarded to Human Resources with the completed ***Degree and Program Participation Approval Request***. When there is a conflict between classes and the employee's job responsibilities, the job responsibility shall take priority.

Eligibility

An employee must be employed in a regular full-time or regular part-time position and must have completed the six [6] month introductory/probationary period. Employees who move to a full-time position are eligible for the higher reimbursement amount once they have completed their six [6] month introductory/probationary period from date of hire and are not required to restart their introductory/probationary period for the purpose of this policy. The City Manager may waive the employment tenure requirement for recruitment purposes. The employee must also have satisfactory job performance and have not received any disciplinary actions or have been under disciplinary investigation during the entire semester, term, or period he/she is requesting reimbursement from this program. If disciplinary investigation is resolved without disciplinary action, employee is eligible to seek reimbursement under the program.

Application Process

Employees requesting tuition reimbursement must be enrolled in an accredited college or university or recognized technical training school, or in a recognized GED course. Employees must complete course work that is related to their current City employment or to a position that the employee could reasonably progress or transfer to within the City. Prior to receiving approval for the program, employees must submit an application, a course or degree plan, and a summary statement that indicates how the degree will assist in their current role and/or how the degree could help prepare them for a position that they aspire to transfer to within the City of Universal City. The Department Head, HR Manager and City Manager will review the materials and determine whether the degree and coursework are eligible and will decide to approve or deny the degree plan. Once an application is approved, all required coursework under that degree plan is approved. Free elective courses should be based on a discipline that applies to municipal government service delivery. Reimbursement for elective courses will require additional consideration by the Department Head, HR Manager and City Manager.

Application

Employees must submit a completed ***Tuition Reimbursement Application*** (and attachments as required) to Human Resources, which should include the approval/denial of the employee's Department Head and all related registration paperwork, within thirty [30] calendar days from the beginning of the semester or term. It is the responsibility of the Department Head to review and approve or deny the application. If the Department Head denies the application, he/she must still forward the application to Human Resources and include an explanation for the denial. Employees should allow adequate time for review by his/her Department Head prior to the deadline of submission to Human Resources. A new application form must be submitted for each class or program.

Within thirty [30] calendar days after the completion of the course, employees must submit a ***Tuition Reimbursement Request Form*** to Human Resources, with a copy of the course grade[s] or certificate[s] of completion, validated by the school, along with a copy of the itemized statement of tuition [i.e., bill], showing payment and all financial aid applied. Internet printouts are acceptable, but grades must be validated by the school [i.e., official seal or stamp] if required by Human Resources.

Tuition Reimbursement Guidelines

- Tuition Reimbursement Request Forms received more than thirty [30] days after the last day of class, and those without a complete Employee Tuition Reimbursement Application on file, will not be honored or reimbursed. Each employee is solely responsible for the completion and timely submittal of required documentation. Failure to complete and submit the required forms, applications, and other

documents by the deadlines designated in this policy, shall result in no monetary reimbursement to the employee.

- Eligible Expenses and Reimbursement – Full-time employees are eligible for reimbursement up to \$5,000 annually. Part-time regular employees are eligible for up to \$2,500 annually. Seasonal and temporary staff are not eligible to participate in the program.
- For courses taken through an accredited college or university, employees will be reimbursed only for tuition and mandatory fees. For traditional and technical schools, reimbursement will be capped monetarily at the amounts previously stated. If an employee is eligible for grants, scholarships or any additional funds, the reimbursement will only be for the amount the employee actually paid or was actually incurred.
- The City will reimburse tuition and mandatory fees requested such as, but not limited to, lab fees, library fees, student center fees, automated services and records processing fees, registration fees, student services fees and identification card fees. Employees will not be reimbursed for the cost of books, course supplies, parking, late fees, penalties, orientation fees, applications for graduation, installment fees, costs related to acquiring official transcripts or certificates, housing or any other costs other than those described above.
- The tuition/fee reimbursement for completed courses to approved employees is as follows: “A” will receive 100 percent; “B” will receive 85 percent; and “C” will receive 70 percent. Grades below a “C” will not receive any reimbursement. For courses that are pass/fail and for non-graded courses, approved employees will receive 85 percent reimbursement of tuition and fees for a satisfactory and/or “pass” grade. There is no reimbursement for a non-satisfactory or failing grade.
- Employees who receive tuition reimbursement for a course[s] must remain employed with the City of Universal City for a period of at least eighteen [18] months following the date of the last reimbursement issued by the City. The City normally issues tuition reimbursements within fifteen [15] business days after receiving final approval of the reimbursement request. If the employee fails to remain employed with the City, either voluntarily or involuntarily, for the required period, the employee forfeits all rights to reimbursement under this policy and will be required to reimburse the City the full amount of the tuition reimbursement paid to the employee within the eighteen [18] months preceding the employee’s termination of employment. The reimbursement to the City will not be prorated based on the employee’s service time after the tuition reimbursement was received by the employee.

BY PARTICIPATING IN THIS PROGRAM, THE EMPLOYEE AGREES TO HAVE DEDUCTED FROM HIS/HER FINAL PAYCHECK A REIMBURSEMENT TO THE CITY FOR THE FULL AMOUNT OF ANY TUITION REIMBURSEMENT RECEIVED BY THE EMPLOYEE WITHIN THE EIGHTEEN [18] MONTHS PRECEDING THE EMPLOYEE’S TERMINATION OF EMPLOYMENT [EITHER VOLUNTARILY OR INVOLUNTARILY]. THIS INCLUDES A DEDUCTION OF WAGES, ACCRUED LEAVE AND ANY OTHER PAY AS ALLOWED BY STATE AND FEDERAL LAWS.

- The employee is required to submit documentation of any other financial assistance received [GI or VA benefits, federal or state grants, scholarships, etc.]. Reimbursement will be coordinated in

conjunction with any other financial assistance and will not exceed 100% of the cost of tuition and fees as defined above. The amount requested for reimbursement [total eligible tuition and fees, minus other financial assistance received] will be subject to the level of academic success [i.e., 100% for A, 85% for B, etc.], not the full total eligible tuition and fees. All reimbursements are subject to the availability of funds in the City's budget.

8.00 LEAVE TIME

8.01 DEFINITIONS

Leave Time. Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be paid or unpaid.

Holidays. Holidays are days designated by the City Council on which City offices are closed, that would otherwise be regular business days.

Unauthorized Absence. An unauthorized absence is one in which the employee is absent from regular duty without permission of the department head. Employees are not paid for unauthorized absences, and such absences may result in disciplinary action up to and including termination.

8.02 APPROVAL OF LEAVE

Leave time, whether paid or unpaid, must be requested in writing on an Authorization for Leave Form which must be approved by the employee's immediate supervisor and the appropriate department head. Approved leave should be accurately reported on employee's timesheets and signed leave forms should be attached to the timesheets and sent to the payroll office. Discrepancies should be reported immediately to the payroll office.

8.03 VACATION LEAVE

Regular full-time employees are eligible to accrue paid vacation leave. Vacation leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status for the full number of regular working hours for the official pay period.

Vacation leave accrues every pay period in which the employee has work time and/or approved paid leave time. Employees are encouraged to take regular vacations at least annually. Part-time and temporary employees are not eligible for vacation leave

Newly hired regular full-time employees shall begin accruing vacation leave immediately upon employment. Leave cannot be used until the employee successfully completes the required six-month introductory period.

Accrual of Vacation Leave. Annual leave shall be earned each pay period that the employee has work time and/or approved paid leave time. The amount earned shall depend upon the number of years employed. Category changes in leave allocation shall be calculated based on the completion of employment anniversary date, i.e., if employed on October 1, 2000, the 5th year anniversary date is October 1, 2004.

<u>Employment Anniversary Date</u>	<u>Leave Allocation</u>	<u># Hrs./Year</u>
0 to 4 years	4 hours per pay period	104
5 to 14 years	5 hours per pay period	130
15 or more	6 hours per pay period	156

Non-exempt fire personnel with at least one (1) year of service with the City shall be given thirty-two (32) additional hours of annual leave at the beginning of each fiscal year for working a greater number of

hours. If a fire employee has less than one (1) year of service at the beginning of the fiscal year, annual leave shall be prorated.

Temporary and part-time employees do not earn vacation leave.

Scheduling Vacation Leave. Supervisors should encourage their employees to schedule vacations and request leave well in advance whenever possible. Vacation schedules must accommodate the department's work schedule. Department heads are responsible for establishing vacation schedules for employees. Provided that departmental workloads permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with seniority. If the desired leave schedules conflict with City or departmental requirements, the City's or department's requirements are given first consideration. Approval of leave requests may be withdrawn, if necessary, to satisfy work requirements of the City or department. Employees must submit vacation leave requests in excess of 10 working days at least 30 days in advance and the leave request must be approved by the department head.

Use of Vacation Leave. Regular, full-time employees are charged with vacation leave for each full day they are absent on approved vacation leave, based on the number of hours they would have been scheduled to work if they had worked the day(s) during which they took vacation leave. Vacation leave requests for less than a full work day are recorded in increments of one-quarter (1/4) hour or more.

Maximum Vacation Leave Accrual. Employees are encouraged to use their accrued vacation leave each year as it is earned. The maximum amount of unused vacation leave that can be carried over to the next fiscal year is 240 hours for regular full-time, non-firefighting employees, and 272 hours for firefighters. Any balance remaining in excess of the maximum carry-over for the fiscal year, is forfeited without compensation to the employee.

Compensation for Vacation Leave. Vacation is paid at the employee's base salary or hourly rate at the time leave is taken. It does not include overtime or any special forms of compensation. Vacation leave is paid only for hours the employee would ordinarily have worked.

Approved vacation leave falling on an official paid holiday will not be paid to the employee nor will the hours be deducted from the employee's accrued vacation leave balance unless the number of vacation hours exceed the number of paid holiday hours. Only the number of approved vacation leave hours exceeding the number of paid holiday hours will be paid to the employee and deducted from the employee's accrued vacation balance.

Payment for Unused Vacation Leave Upon Separation. When an employee with at least one (1) year of service terminates employment with the City, they will be paid accrued but unused vacation based on the number of years employed and their actual accrued vacation leave balance at the time of termination.

The rate of pay will be determined by the employee's salary or hourly rate in effect at the time of termination.

Employees terminating during their first year of employment with the City will **not** be paid for accrued but unused vacation leave.

<u>Years Employed</u>	<u>Maximum Number of Accrued Vacation Eligible for Pay Out</u>
0 to less than 1 year	0
1 to less than 20 years	100
20 to less than 25 years	125
25 to less than 30 years	150
30 to less than 35 years	175
35 + years	200

If an employee passes away during their employment with the City, their estate will receive compensation for up to 100 hours of the employee’s accrued but unused vacation leave.

Department heads must include any anticipated vacation leave pay outs in their annual budget.

8.04 SICK LEAVE

Regular fulltime employees shall be allowed paid sick leave in accordance with the following policies:

1. Regular full-time employees are eligible to accrue four (4) hours of sick leave for each pay period that the employee has work time and/or approved paid leave time. Newly hired regular full-time employees shall begin accruing sick leave beginning with the second pay period after their hire date. Part-time and temporary employees are not eligible for sick leave.
2. Non-exempt firefighters with at least one (1) year of service with the City shall be given thirty-two (32) additional hours of sick leave at the beginning of each fiscal year for working a greater number of hours. Firefighters with less than one (1) year of service at the beginning of the fiscal year, will receive pro-rated sick leave based on the number months employed.
3. Sick leave cannot be used until the employee completes the six-month introductory period of employment.
4. Employees must personally report absences daily to their immediate supervisor **within 15 minutes before** the time they are expected to begin work, unless emergency conditions exist or as approved by their department head.
5. Sick leave for scheduled medical appointments should be requested and approved as far in advance as possible to allow the employee’s supervisor time to adjust work schedules as needed.
6. It is a mandatory requirement that employees provide verification from a licensed physician when absent three (3) or more days due to their own illness or injury or due to caring for an immediate family member. However, a supervisor may request and obtain verification of the circumstances surrounding any use of sick leave, even if absent less than three (3) days, and may require a physician to confirm sickness, injury or conduct a physical examination of the employee to insure the employee is able to return to work. Absence verifications will not be accepted from virtual visit, telemedicine or

minute clinic providers. Employees refusing to provide a requested verification of absence due to illness or injury, or providing an invalid verification, will be subject to disciplinary action, up to and including termination of employment.

7. Subject to approval by the employee's department head and City Manager, or his/her designee, and on a case-by-case basis, sick leave may be used when an employee's or employee's immediate family member's illness, injury, surgery, or medical need renders the employee incapable of performing his or her assigned duties. For sick leave or non-chargeable sick purposes, immediate family will be defined as an employee's spouse, child, parent (whether of employee or employee's spouse), and any other family member who resides in the employee's household and/or for whom the employee is responsible.
8. Sick leave must be taken in minimum increments of one-quarter hour.
9. Accrued but unused vacation leave or comp time may be used to supplement sick leave with the approval of the department head and the City Manager, or his/her designee.
10. If an employee exhausts all accrued sick leave due to a catastrophic illness or injury of their own or an eligible family member, sick leave credits may be transferable between employees if all requirements are met as listed under Sick Leave Pool and if approved by the City Manager, or his/her designee in the form of donations if approved by the department head and City Manager, or his/her designee. Donations will be considered for employees who have demonstrated a positive attendance and performance record. Employees who have taken excessive leave or have received written counseling within the previous 12 months regarding excessive sick leave use (excluding FMLA leave) or abuse, who do not have a catastrophic illness or injury, who are receiving compensation through the long-term disability program or who are unable to work because of a work-related injury or illness may not be eligible to receive donations.
11. Regular fulltime, ~~non-firefighting~~ employees may accumulate sick leave not to exceed 1040 hours. Firefighters may accumulate sick leave not to exceed 1318 hours. Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status for the full number of regular working hours for the official pay period.
12. After an employee uses all available sick leave, vacation leave, comp time and FMLA (paid or unpaid), the employee may be placed on authorized leave without pay, with the approval of the department head and City Manager, or his/her designee. During authorized leave without pay, the employee is not eligible to accrue leave time or receive holiday pay.
13. An employee who is released for and offered modified duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.
14. The abuse or unauthorized use of sick leave may result in disciplinary action against the employee, up to and including termination of employment.

Sick Leave Pool

~~The City offers a Sick Leave Pool to be used in the event of a serious or catastrophic illness or injury for employees who donate to the Pool annually.~~

~~**Making Donations to the Pool.** All regular full-time employees who have completed 12 months of continuous employment with the City and have demonstrated a positive attendance and performance record are eligible to donate sick leave hours to the Sick Leave Pool. Employees who have received written counseling within the last 12 months regarding a pattern of excessive sick leave use (excluding FMLA leave) or abuse may not be eligible to donate to the Pool.~~

~~Donating to the Sick Leave Pool is strictly voluntary. Eligible employees may contribute a maximum of 80 hours (120 hours for firefighters) of their accrued sick leave each year. However, the donating employee must retain a minimum of 80 hours (120 hours for firefighters) of accrued sick leave at the time of the donation. Donations must be made in increments of eight (8) hours (24 hours for firefighters). Donations must be submitted in writing to the employee's department head and then forwarded to the Employee Benefits Department during the open donation period prior to January 31.~~

~~Employee donations may not be designated for use by a specific individual.~~

~~All donation requests are subject to approval by the department head and City Manager, or his/her designee.~~

~~**Requesting Donations from the Pool.** Full-time employees who have donated to the Sick Leave Pool are eligible to receive donations from the Pool. It is the responsibility of the employee to submit a request for donations in writing to their department head. The employee should provide a statement from the licensed physician who is treating their illness or injury that resulted in the need for Sick Leave Pool donations. An employee must have exhausted, or be on the verge of exhausting, all accrued paid leave before requesting donations from the Pool.~~

~~Donating to the Pool does not guarantee approval of donation requests. In determining the amount of sick leave to be assigned to an eligible employee, the department head shall take into consideration the information contained in the employee's request for donations from the Pool. Other factors affecting the number of hours available for donation requests are the number of applications pending and the amount of sick leave available in the Sick Leave Pool.~~

~~Donation requests will only be considered for employees who have demonstrated a positive attendance and performance record. Employees who have received written counseling within the last 12 months regarding excessive sick leave use (excluding FMLA leave) or abuse, who do not have a catastrophic illness or injury, who are receiving compensation through the long-term disability program or who are unable to work because of a work-related injury or illness may not be eligible to receive donations.~~

~~Employees are eligible to receive an amount equal to three (3) times the amount of their donation for their own qualifying illness or injury and one-half (1/2) times the amount of their donation for qualifying absences to care for an immediate family member, or as approved by the department head and City Manager, or his/her designee. The maximum number of donated hours an employee may receive from the Pool per calendar year will not exceed 240 hours (360 hours for firefighters) for their own illness or injury and 120 hours (180 hours for firefighters) to care for an immediate family member with a qualifying illness or injury. Approved Pool hours will be transferred on an hour for hour basis as needed each pay period.~~

~~The Leave Time Policy must be adhered to when using donations from the Sick Leave Pool.~~

~~All donation requests are subject to approval, on a case by case basis, by the employee's Department Head and the City Manager, or his/her designee.~~

~~**Conditions Eligible for Donation Requests from the Pool.** A catastrophic illness or injury is a serious illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital or similar facility, or continuing treatment by a healthcare provider, including but not limited to, cancer, major surgery, serious accidents, heart attacks, etc.~~

~~Short term conditions requiring brief treatment and recovery (flu, colds, common illnesses or injuries, etc.) are not eligible conditions for requesting donations from the Sick Leave Pool. Work related injuries, normal childbirth, broken bones and elective surgeries are also not considered conditions eligible for donations from the Sick Leave Pool.~~

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

Other Employment During Sick Leave. Employees on sick leave, FMLA or worker's compensation, whether paid or unpaid, may not work a second job, including self-employment, or participate in volunteer work, during the period of leave, even if they have written authorization from their department head to work a second job. Exceptions to this policy must be obtained in writing from the department head and the City Manager, or his/her designee. See "Outside Employment" Policy.

Use of Other Leave. If approved by the department head (and in the case of department heads, by the City Manager, or his/her designee,), employees who have successfully completed their initial introductory period may use accrued vacation leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the department head/supervisor, the employee may flex the work schedule ("flex time") to attend medical or dental appointments. This is acceptable provided that work time is accurately recorded on the timesheet for the week or work cycle in which flex time was approved. Under no circumstances can flex time extend beyond the affected workweek, or official work period for fire and police. All time worked during the workweek or work period must be accurately reported and paid.

Documentation. Employees requesting paid sick leave must complete an Authorization for Leave request form and submit it to their supervisor for approval. Absence for illness/injury of three or more consecutive workdays requires verification from a licensed physician of the illness/injury. An employee must provide verification of an absence any time it is requested by the department head or City Manager. Verifications from virtual visit, telemedicine and minute clinic physicians are not accepted, unless it is approved by the department head. An employee may also be required to present satisfactory proof of

family relationship and/or satisfactory proof of a family member’s illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If proof is requested for any sick leave absence and the employee fails to present proof in a timely manner, use of sick leave will not be permitted and no other paid leave may be used for the absence. Unauthorized or abuse of sick leave may result in discipline up to and including termination of employment.

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

Payment for Unused Sick Leave. No employee shall be entitled to payment in lieu of using sick leave time.

Upon termination or resignation of employment, the employee will not receive compensation for any unused sick leave.

Upon retirement, the employee will be paid ~~accrued but~~ unused sick leave based on the number of years employed and their actual accrued sick leave balance at the time of retirement. Sick leave accrued hours in excess of the eligible pay out amount may be used for reasons other than illness, appointments, etc., after the employee has given notice of retirement, if previously approved by the department head and City Manager, or his/her designee. This benefit will be granted on a case-by-case basis only and eligibility will be determined by considering several factors, including the employee’s total service time with the City, number of excessive hours accrued, if the employee has a positive attendance record and overall work performance.

<u>Years Employed</u>	<u>Maximum Number of Accrued Sick Leave Eligible for Pay Out</u>
1 to less than 20 years	100
20 to less than 25 years	125
25 to less than 30 years	150
30 to less than 35 years	175
35+ years	200

If an employee passes away while employed with the City, their estate will receive compensation for up to 100 hours of the employee’s accrued but unused sick leave.

If possible, Department ~~h~~Heads ~~must~~should include any anticipated sick leave pay outs in their annual budget.

8.05 EMPLOYER-PAID QUARANTINE LEAVE FOR FIRST RESPONDERS

General Policy

The purpose of this policy is to provide for and maintain employment benefits for certain employees who are ordered to quarantine or isolate due to a possible or known exposure to a communicable disease¹ while on duty.

Applicability

This policy applies to the following employees of the City of Universal City:

- ~~Detention Officers;~~
- ~~Certified Emergency Medical Technicians;~~
- ~~Fire Fighters;~~
- Firefighters
- Police Officers

Conditions

The paid leave and benefits provided by this policy are only available to ~~an eligible~~ employees who ~~have been ordered by their supervisor or the City's health authority is ordered~~ to quarantine or isolate due to a possible or known exposure, while on duty, to a communicable disease covered by this policy. ~~while on duty by his or her supervisor or the City of Universal City's health authority~~. An employee may be required to provide proof of an order to quarantine and may be denied paid leave or benefits if the employee fails to provide proof within a reasonable time.

Reporting of Suspected or Known Exposure

An employee covered by this policy must immediately notify his/her supervisor or department head of a known or possible exposure to a communicable disease for which the employee has been ordered/advised to quarantine, regardless of whether the exposure is known to have occurred while working or otherwise. An employee who has not reported a known exposure may have his/her benefits delayed while the City verifies the exposure occurred while on duty.

Benefits

~~If an employee is ordered to quarantine under the conditions in Section 3 above,~~ While on Quarantine Leave, the an employee will receive all employment benefits and compensation for the duration of the leave, including paid leave accrual, pension benefits, and health benefit plan benefits that the employee would customarily be provided on paid leave.

¹ "Communicable Disease" is defined by Texas Health & Safety Code Section 81.003(1) as an illness that occurs through the transmission of an infectious agent or its toxic products from a reservoir to a susceptible host, either directly, as from an infected person or animal, or indirectly through an intermediate plant or animal host, a vector, or the inanimate environment. *This includes diseases other than COVID-19, including the flu, common cold, tuberculosis and others. See the Department of State Health Services website for a current list of recognized "communicable

Reimbursement For Expenses

If an employee is ordered to quarantine under the conditions in Section 3 above, the employee may request reimbursement for reasonable costs related to the quarantine, including lodging, medical treatment and transportation by submitting a reimbursement request to the HR Department within five (5) days after returning from the leave ordered under this policy. An employee may be required to provide receipts or proof of payment with the request ~~and reserves~~ and may be denied reimbursement that the City of Universal City deems unreasonable or unrelated to quarantine.

Effect On Paid Leave Balances

The City ~~of Universal City~~ will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for quarantine under this policy.

Confidentiality of Information

To the extent this Policy requires medical information to be shared with City officials, the City shall maintain the confidentiality of such information unless prior written approval is received from the employee to release information on a need-to-know basis.

8.06 ~~PEACE OFFICER FIRST RESPONDER~~ MENTAL HEALTH LEAVE

General Policy

The purpose of this policy is to allow the use of mental health leave by peace officers, firefighters, and telecommunicators employed by the City ~~of Universal City~~ who experience a traumatic event while on duty.

Definitions

1. Traumatic event – an event which occurs in the ~~peace officer(s)~~ scope of employment when the ~~officer~~ First Responder is involved in the response to, or investigation of, an event that causes the employee to officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

Traumatic events may include, but are not limited to, the following:

- a. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;

- b. Incidents involving multiple casualties which may include shootings, ~~or~~ traffic accidents or fires;
 - c. Line of duty death or suicide of a department member;
 - d. Death of a child resulting from violence or neglect;
 - e. Officer(s) involved shooting of a person.
2. Mental health leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the ~~peace officer's~~ First Responder's employment.
 3. Mental Health Professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

Duration Of Leave

~~An officer~~ A First Responder directly involved in a traumatic event may request up to three (3) working days of paid mental health leave per calendar year, subject to the following conditions:

1. the leave is
 - a. approved by the Chief of Police, Fire Chief, or the City Manager; or
 - b. ordered by a mental health professional; and
2. the leave is taken as a result of a traumatic event that occurred while on duty.

Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the ~~employee~~officer. The request may extend the leave by three working days. Each ~~officer~~employee may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief of Police or Fire Chief shall grant the extension(s) upon the receipt of sufficient documentation explain the need for the extension.

Requesting Leave

~~An officer~~ A First Responder directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

A supervisor or coworker who becomes aware of behavioral changes in an officer, firefighter, or telecommunicator directly involved in a traumatic event should suggest to the ~~officer~~employee that he or she seek mental health leave and the assistance of a mental health professional. ~~An officer's~~ An employee's failure to voluntarily seek mental health assistance shall be addressed by the Department Head and/or City Manager, on a case-by-case basis, to determine if the ~~officer~~ First Responder will be required to undergo a psychological examination to determine fitness for continued employment (Policy 3.12 Health/Medical Examinations/Fitness for Duty).

Effect On Paid Leave Balances

The City of Universal City will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for mental health leave taken under this policy.

Confidentiality Of Request

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the ~~officer's~~employee's immediate chain of command, and only as necessary to facilitate the use of the leave. Any ~~officer or~~ supervisor or coworker who becomes aware of behavioral changes and suggests the officer, firefighter, or telecommunicator seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline, up to and including termination of employment.

Confidentiality may be waived by the ~~officer~~employee seeking mental health leave. Confidentiality may also be waived under circumstances which indicate the ~~officer~~employee is a danger to himself or herself or others and department personnel must confer with mental health professionals.

OTHER EMPLOYMENT DURING LEAVE PROHIBITED

Under no circumstances may an employee on paid mental health leave, paid quarantine leave, FMLA leave, sick leave, disability leave, or workers' compensation leave engage in outside employment during the period of leave unless expressly authorized in writing in advance by the department head and approved by the City Manager, or his/her designee.

Mental Health Services Available To The ~~Officer~~First Responder

~~The following services are available to peace officers.~~

Free to all employees:

~~Deer Oaks Alliance Work Partners~~ Employee Assistance Program
(888) 993-7650 ~~eap@deeroaks.com~~ (800) 343-3822 www.awpnow.com

~~Employees enrolled in the City's medical plan:~~

~~United Healthcare Care24 Services~~
(888) 887-4114

~~If an employee is not enrolled in the City's medical plan, the employee should contact their current insurance carrier for a list of mental health providers.~~

Other resources:

Texas DPS Victim and Employee Support Service (VESS)
(512) 424-2211

Bexar County Department of Behavioral Health
(210) 335-0764 M-F 8:00am – 5:00pm

or

(210) 223-7233 24-Hour Crisis Line

8.07 FAMILY AND MEDICAL LEAVE

Public agencies are covered employers under the Family and Medical Leave Act (FMLA), regardless of the number of employees they employ. The City of Universal City is a public agency and is, therefore, a covered employer under the FMLA.

Eligibility Requirements. To be eligible for FMLA leave, an employee must have been employed for at least 12 months, within a seven year period, as of the date the FMLA leave is to start, must have worked at least 1,250 hours during the 12 month period immediately before the date the FMLA leave is to start, and must work at a location where the City has at least 50 employees within 75 miles of the employee's worksite. This policy applies equally to male and female employees working in full-time, part-time or temporary positions. However, if the City employs married spouses, and the reason for the leave is to care for a newly arrived child or a sick child or parent, 12 weeks is the aggregate (i.e., combined) FMLA leave limit for both, or 26 weeks in the case of military caregiver leave.

1. **Eligible Circumstances.** An eligible employee can take up to 12 weeks of unpaid, job protected leave in a 12-month period for the following reasons: The birth of a child or placement of a child for adoption or foster care;
2. To bond with a child (leave must be taken within one year of the child's birth or placement);
3. To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
4. For the employee's own qualifying serious health condition that makes the employee unable to perform the essential functions of his or her job;
5. An eligible employee may also take up to 26 workweeks of FMLA leave during a single 12-month period to care for a covered servicemember with a serious injury or illness incurred in the line of duty on active duty when the employee is the spouse, son, daughter, parent, or next of kin of the servicemember. An eligible employee is limited to a *combined* total of 26 workweeks of leave for **any** FMLA-qualifying reasons during the single 12-month period; or
6. For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. A "qualifying exigency" under military family leave is a non-medical activity that is directly related to the covered military member's active duty or call to active duty status. Exigency leave applies only under a federal call or order to active duty (not a state call to active duty unless by order of the President of the United States). Such active duty or call/order to active duty is only made to members of the National Guard or Reserve components or a retired member of the Regular Armed Forces or Reserve. An employee may not take exigency leave if the service member is a member of the Regular Armed Forces. For an activity to qualify as an exigency, it must fall within one of eight categories of activities or be mutually agreed to by the employer and employee. The eight categories of qualifying exigencies are as follows:
 - a. Short-notice deployment (leave permitted up to seven days if the military member receives seven or fewer days' notice of a call to active duty);
 - b. Military events and related activities;

- c. Certain temporary childcare arrangements and school activities (but not ongoing childcare);
- d. Financial and legal arrangements;
- e. Counseling by a non-medical counselor (such as a member of the clergy);
- f. Rest and recuperation (leave permitted up to 15 days when the military member is on temporary rest and recuperation leave);
- g. Post-deployment military activities; and
- h. Parental care.

Serious Health Condition. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The FMLA does not apply to routine medical examinations, such as a physical, or to common medical conditions, such as an upset stomach, unless complications develop.

For all conditions “incapacity” means inability to work, including being unable to perform any one of the essential functions of the employee’s position, or inability to attend school, or perform other regular daily activities due to the serious health condition, treatment of the serious health condition, or recovery from the serious health condition. The term “treatment” includes but is not limited to examinations to determine if a serious health condition exists and evaluations of the condition.

Serious health conditions may include conditions that involve an inpatient hospital stay or ones that include one or more visits to a health care provider and ongoing treatment. Chronic conditions and long term or permanent periods of incapacity may also meet the requirements. Certain conditions requiring multiple treatments may also be FMLA-qualifying. Following is a description of the different types of conditions that are serious health conditions under the FMLA.

Inpatient Care:

- An overnight stay in a hospital, hospice, or residential medical care facility.
- Includes any period of incapacity or any subsequent treatment in connection with the overnight stay.

Continuing Treatment by a Health Care Provider:

(any one or more of the following)

- Incapacity Plus Treatment
 - A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - Two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity unless extenuating circumstances exist. The first visit must be within seven days of the first day of incapacity; or,

- At least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of the health care provider. For example, the health care provider might prescribe a course of prescription medication or therapy requiring special equipment.
- Pregnancy
 - Any period of incapacity due to pregnancy or for prenatal care.
- Chronic Conditions
 - Any period of incapacity due to or treatment for a chronic serious health condition, such as diabetes, asthma, or migraine headaches. A chronic serious health condition is one which requires visits to a health care provider (or nurse supervised by the provider) at least twice a year and recurs over an extended period of time. A chronic condition may cause episodic rather than a continuing period of incapacity.
- Permanent or Long-term Conditions
 - A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, but which requires the continuing supervision of a health care provider, such as Alzheimer's disease or the terminal stages of cancer.
- Conditions Requiring Multiple Treatments
 - Restorative surgery after an accident or other injury; or,
 - A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days if the employee or employee's family member did not receive the treatment.

Voluntary or cosmetic treatments (such as most treatments for orthodontia or acne) which are not medically necessary are not "serious health conditions," unless inpatient hospital care is required. Restorative dental surgeries after an accident or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met.

Calculation of 12-Month Period. The twelve (12) month period for counting family and medical leave is a "rolling" 12-month period measured backward from the date an employee requests or is placed on FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months, or 26 weeks provided in certain circumstances.

Immediate Family Members. Employees can take FMLA leave due to a serious health condition of the following immediate family members:

Spouse

Spouse means a husband or wife as defined or recognized in the state where the individual was married, including a common law marriage or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States, if the marriage could have been entered into in at least one state.

Parent

Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include “parents-in-law.”

An individual stands in loco parentis to a child if he or she has day-to-day responsibilities to care for or financially support the child. The person standing in loco parentis is not required to have a biological or legal relationship with the child. Although no legal or biological relationship is necessary, grandparents or other relatives, such as siblings, may stand in loco parentis to a child under the FMLA where all other requirements are met. The in loco parentis relationship exists when an individual intends to take on the role of a parent. Similarly, an individual may have stood in loco parentis to an employee when the employee was a child even if the individual has no legal or biological relationship to the employee.

Son or daughter

Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence. The onset of a disability may occur at any age for purposes of the definition of an adult “son or daughter” under the FMLA.

Documenting the Family Relationship. The City may request that an employee provide reasonable documentation of the qualifying family relationship. An employee may satisfy this requirement by providing either a simple statement asserting that the requisite family relationship exists, or other documentation such as a child’s birth certificate or a court document. It is the employee’s choice whether to provide a simple statement or other documentation. The City may not use a request for confirmation of a family relationship in a manner that interferes with an employee’s exercise or attempt to exercise his or her FMLA rights.

Definition of Health Care Provider. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993, which is available from the human resources department.

Intermittent Leave. Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the department head. However, leave for serious health conditions – either of an eligible family member of the employee or the employee himself or herself – may be taken intermittently or on a reduced schedule, if medically necessary, provided that the other conditions of these policies are met. Arrangements should be made with the employee’s immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

Maximum Duration. The total cumulative maximum period of time which an employee may be absent from work on FMLA leave during any 12-month period is 12 weeks, regardless of whether all or a portion of the leave period is paid or unpaid. (There is an exception for up to 26 weeks of military caregiver leave in a 12-month period on a per-covered-service member, per-injury basis.) If an employee has accrued sick, vacation, compensatory, or any other type of qualifying leave on the books at the time that the FMLA leave commences, the employee must exhaust those leave balances, if applicable to the circumstance, before being eligible for unpaid family leave. Once the employee's applicable leave balances have been exhausted, the employee will then go on unpaid leave status for the remaining time available, when combined with paid leave, for a total of 12 weeks (or 26 weeks for military caregivers) of FMLA leave. During the unpaid portion of an employee's FMLA leave, the employee is not eligible to accrue vacation leave, sick leave, or any other type of leave. Other employee benefits remain in place. If an employee is off work due to a work related injury or illness, and the employee qualifies for FMLA, it will run concurrently with any paid or unpaid leave. The City reserves the right to count any paid or unpaid leave that qualifies as FMLA leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.

TMRS. Employee contributions to TMRS may be made on a voluntary basis through a special arrangement with the City while an employee is on unpaid FMLA leave. It is the employee's responsibility to initiate such an arrangement by promptly contacting the City's human resources department and completing the necessary paperwork.

Recordkeeping. FMLA leave time will be tracked on an hourly basis for payroll and compliance purposes. To accurately track FMLA leave, Authorization for Leave slips must be completed by employees, or their supervisors, and submitted with their biweekly timesheets or directly to human resources. The Authorization for Leave slips must indicate the absence is FMLA leave.

If an employee has accrued leave available, and the leave qualifies under the City's Leave Policy, the City requires the use of accrued paid leave while taking FMLA leave. If accrued leave is not available, or the leave does not qualify under the City's Leave Policy, FMLA leave will be unpaid. Employees must comply with the City's Leave Policy when they are on paid or unpaid FMLA leave.

Exempt Employees. Paid leave accounts may be charged for less than one (1) full workday according to City policy, and the salary of an exempt employee may be docked for absences of less than one (1) full workday. Salaried executive, administrative, professional and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

Employee Responsibilities. Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify their supervisor as soon as possible. Employees are not required to share a medical diagnosis, but must provide enough information to determine if the leave qualifies under the FMLA.

In the case of leave for the birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave is expected to begin. If the employee is unable to provide 30 days' notice, he or she must provide as much notice as is practicable, usually within one or two business days of the date on which the employee is aware of the need to request leave. In the case of leave for a serious medical condition, if the leave is foreseeable, based on planned medical treatment, the

employee must make a reasonable effort to schedule the treatment so as not to disrupt the City's operations unduly. The same advance notice requirements apply.

Employees may be required to submit a certification from their health care provider to support their need for FMLA leave. Failure to provide this certification may result in denial of the request for FMLA leave.

Absences that qualify as paid or unpaid FMLA leave should be designated as such on the Authorization for Leave slip and submitted with the employee's timesheet.

Supervisor Responsibilities. It is not the responsibility of the supervisor to decide that an employee is eligible or not eligible for FMLA. However, when an employee is absent from work, and there is a possibility that the absence qualifies under FMLA, the supervisor should contact the human resources department immediately. Failure to contact human resources in a timely manner may result in disciplinary action up to and including termination of employment.

Designation of FMLA Leave. The City will provide an employee with a designation notice stating whether the employee's leave has been designated as FMLA leave or not. This notice will be provided whether or not the employee has requested FMLA leave. If the employee does not request FMLA leave, yet requests the use of accrued leave, and a condition of FMLA eligibility exists, then the City may designate the leave as FMLA leave. A City employee must respond to the City's questions in order to determine if the absence is FMLA-qualifying. Failure to respond to the City's inquiries may result in denial of FMLA protection if the City is unable to determine whether the leave is FMLA qualifying. Employees must also follow the City's usual notice and procedural requirements for requesting leave and reporting tardies and absences to their supervisor.

If the City designates an employee's leave as FMLA leave, without a request by the employee, then the City will notify the employee of the FMLA designation, normally within five business days of the City's determination regarding the leave. The City's notification to the employee of FMLA designation may be communicated orally, but must be confirmed in writing no later than the next regular payday (unless less than a week remains until the next payday).

The designation notice will specify the amount of leave that will be counted as FMLA leave if known, and if not known at that time, the designation notice will be provided upon the employee's request, but no more often than every 30 days (if leave was taken during the prior 30 days). This notice will also state whether a fitness-for-duty certification will be required for the employee to return to work.

Certification Requirements If requested, an employee must submit a complete and sufficient medical certification within 15 days (or longer if the employee has made diligent, good faith efforts to obtain it without success). Family and medical leave may be denied by the City if complete and sufficient medical certification is not submitted within 15 days and arrangements have not been made to extend the deadline or the employee has not made diligent, good faith efforts to obtain the certification. If the employee submits certification in a timely manner, but the documentation is not complete or sufficient, the City will provide the employee with a list of information needed and will allow the employee seven (7) calendar days to cure the deficiencies. If the employee does not correct the deficiencies within seven (7) calendar days, the leave may be denied.

The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will return it to the health care provider

and not use genetic information for any employment decision or action. (*Legal reference: Genetic Information Nondiscrimination Act (GINA).*)

The City may also contact the employee's health care provider directly for verification or clarification if the employee does not cure the deficiencies within the required seven (7) calendar days. If such contact with the health care provider would involve individually-identifiable health information, the City will obtain the employee's permission before requesting the information. (*Legal reference: U.S. Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008; Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended; and Ragsdale v. Wolverine Worldwide Inc.*)

Certification requirements differ for the various types of family and medical leave:

1. **Extended Illness or Temporary Disability.** An employee requesting a paid or unpaid family leave of absence for extended illness or temporary disability must submit to human resources (1) a health care provider's statement as to the date upon which the employee is no longer able to perform his or her duties, or (2) a statement that the employee is needed to care for a spouse, parent, or child, with the expected length of the recuperation period, or an estimate of the time required to care for the family member, and appropriate medical facts regarding the condition. In addition, the employee must also provide human resources with a written statement from the employee concerning his or her intentions about returning to work.

An employee on FMLA leave must contact his or her supervisor at least once each workweek unless another schedule has been established in writing and signed by the employee and the department head .

In some circumstances, the City may require subsequent re-certifications as reasonably necessary, but no more often than every 30 days. Failure to provide required medical status reports or to make contact with the employee's supervisor according to the schedule required by the department head may result in disciplinary action.

2. **Military Caregiver Leave – Automatic Emergency Certification.** If a Department of Defense health care provider has determined that the injury or illness of a service member is serious enough to warrant the immediate presence of a family member at a service member's bedside, an invitational travel order (ITO) or invitational travel authorization (ITA) is issued, which constitutes automatic certification of the serious injury or illness for the period specified on the ITO or ITA. If the employee does not submit an ITO or ITA, the employee must submit a medical certification as specified above.
3. **Military Caregiver Leave – General.** An employee requesting a paid or unpaid family leave of absence for military caregiver leave must submit to the department head (1) a health care provider's statement as to the date upon which the service member needs the employee's care and expected duration of the care, and (2) a statement from the employee or the service member that the employee is needed to care for a spouse, son or daughter, parent, or next of kin.
4. **Military Exigency Leave.** An employee requesting a paid or unpaid family leave of absence for military exigency leave must provide two types of certification to human resources: (1) a certification that the covered military member is a member of the National Guard or Reserves who is on active federal duty or called to active federal duty (typically a copy of the military

member's active duty orders); and (2) a statement from the employee (including available written support documentation) about the nature and details of the specific exigency, the amount of leave needed, and the employee's relationship to the military member.

Recertification. The City may, under certain circumstances, request that an employee "recertify" his or her serious health condition or the serious health condition of his or her family member within the same leave year. Depending on the information received in the initial certification, the City may request the employee provide a recertification no more often than every 30 days and only when the employee is actually absent or has requested to be absent.

The City may request recertification every six months in connection with an absence. If the initial medical certification indicates that the employee will need intermittent or reduced schedule leave for longer than six months, including cases where the serious health condition has no anticipated end, the City may request a recertification every six months, but only in connection with an absence by the employee.

The City may request a recertification in connection with an absence by the employee in less than 30 days only if:

- The employee requests an extension of leave,
- The circumstances described by the previous certification have changed significantly, or
- The City receives information that casts doubt on the employee's stated reason for the absence or the continuing validity of the existing medical certification.

The City may ask for the same information in a recertification as that permitted in the initial medical certification. As with the initial certification, in most circumstances, the employee has 15 calendar days after the City's request to provide a complete and sufficient recertification. The employee is responsible for paying for the cost of a recertification.

During recertification The City may provide the health care provider with a record of the employee's absence pattern, such as an attendance record of FMLA leave use, and ask the health care provider if the serious health condition and need for leave is consistent with the absence pattern provided.

Second, Third Opinions. The City may require a second opinion, and, if conflicting, a third opinion from a health care provider as to the need for and scheduling of family leave. The second and third opinions, if sought and obtained by the City, will be paid for by the City and will be obtained from independent health care providers who are not employed by the City. If a third opinion is necessary, the third opinion obtained is final.

Return to Work/Assurances. After completion of approved FMLA leave, an employee will be returned either to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment. This policy may be modified for "key employees," defined as those salaried employees in the top 10 percent of the City's workforce. Key employees will be notified in advance of their status.

If the reason for family leave was an employee's own personal health condition, the employee must provide the following before being allowed to return to work: a written statement from the appropriate physician and/or other licensed health care provider certifying that the employee has been released to

return to work and that the employee can perform the essential functions of the job, as well as any limitation(s) on the employee's ability to perform the essential functions of the job.

An employee must return to work as soon as the reason for the FMLA leave has ended. Failure to return to work when the reason for the leave has ended may result in disciplinary action, up to and including termination of employment. If an employee on FMLA leave is released to return to work in the department to which he or she is assigned, the employee's supervisor must notify human resources immediately before allowing the employee to resume work, to ensure that the appropriate documentation has been filed.

Fitness for Duty Certification. If the City requires a fitness for duty certification prior to the employee's return to work, that requirement will be stated in the City's designation of the FMLA leave. The employee must participate and cooperate in the fitness for duty process, including providing complete and sufficient certification and/or providing sufficient authorization to the employee's health care provider to provide information directly to the City. If the employee does not participate and cooperate fully in this process, he or she will lose his or her rights to reinstatement under the law unless the employee has requested and is eligible for additional FMLA leave. If the employee has used intermittent FMLA leave during the previous 30-day period, and reasonable safety concerns exist regarding the employee's ability to perform his or her duties, the City may require fitness for duty testing every 30 days.

Health Insurance Coverage while on FMLA Leave. Regardless of whether the FMLA leave is paid, unpaid, or a combination of paid and unpaid, the employee's health insurance coverage will be continued in the same manner and at the same level as it would have been had the employee continued employment for the duration of the FMLA leave period. During unpaid leave, the employee and dependent insurance coverage may be converted to a COBRA plan by the City based on the requirements of the current insurance carrier. Upon return to work, and completion of the required insurance enrollment forms, the employee and dependent coverage will be converted back to the City's current insurance plan.

If the employee wishes to continue dependent insurance while in unpaid leave status, the employee must pay the premium for that coverage to the City, or current insurance carrier if changed to a COBRA plan, no later than the last working day of each month the employee is on leave without pay (deductions will be made as usual while the employee is on paid leave status using approved accrued leave time). However, should the employee decide, at any time after their FMLA leave begins, that he or she will not return to work at the City, the employee must reimburse the City for health coverage premiums paid by the City that normally would have been paid by the employee during the FMLA leave period, unless the reason for not returning to work is the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control. This is subject to certification at the request of the City to be provided by the employee's physician and/or other licensed health care provider.

Holidays Falling During FMLA Leave Period. If an employee is on paid or unpaid FMLA leave, and the employee is absent for an entire week that includes a holiday, the holiday time will count as FMLA leave toward the maximum allowable FMLA leave period.

Retention of Benefits. An employee on FMLA leave does not lose any previously accrued seniority or employment benefits, but does not earn any leave credits or other benefits during the unpaid portion of the leave.

Request for Leave without Pay Immediately Following FMLA Leave. If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the Family and Medical Leave

Act provisions of these policies, any extension granted will be under the terms set out in the section **Other Leaves of Absence Without Pay** located within this manual. Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting additional unpaid leave.

Documentation. All documentation regarding FMLA leave will be filed in the employee's medical file, which is maintained separate from the personnel files, and is accessible to a limited number of persons, and only on a "need-to-know" basis. *(Legal reference: U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008; Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended; and Ragsdale v. Wolverine Worldwide Inc.)*

Posting of Summary of Act. The City has posted a summary of the Family and Medical Leave Act on its central bulletin board for employees' information.

(Legal references: Family and Medical Leave Act of 1993 (Pub. L. 103-3), as amended; and National Defense Authorization Act of 2008 (Pub. L. 110-181); and related U. S. Department of Labor regulations).

8.08 MILITARY LEAVE

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

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

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

Paid and Unpaid Leave for Training and Duty.

Full Pay for Up to 15 Days. Employees will be paid for military absences of up to a maximum of 15 workdays per fiscal year. Shift employees will be transitioned to a 40-hour workweek during military absences. This leave may be used when an employee is engaged in National Guard or U.S. Armed Forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year. An employee who qualifies for this leave may request an annual accounting of the use of this leave.

Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use other eligible available paid leave time (vacation leave, holiday leave, and compensatory time) to cover their absence from work.

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

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

Medical and Dental. While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage, paid by the employee, by enrolling in an available COBRA insurance plan for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

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

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

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

Returning from Leave.

Return to Work: A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA.

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

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

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

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

(Legal reference: V.T.C.A., Government Code, Section 431.005 and Section 613.001-613.005; Fed. 38, U.S. Code Ann., Chapter 43 (USERRA).)

8.09 CIVIL LEAVE

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. *(Legal reference: V.T.C.A. Labor Code, Sec. 52.051.)*

Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, fire, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday or compensatory leave; otherwise a nonexempt employee's time off to testify will be considered leave without pay. Employees must notify the appropriate supervisor as soon as possible prior to taking civil leave. When an employee has completed civil leave and the employee is able to return to his or her work station before the end of the scheduled workday, they must report to the City for duty for the remainder of the workday. If the employee will be absent from work for more than one workday on civil leave, they must notify the appropriate supervisor daily at the beginning of each workday on which he or she will be absent.

An employee, who is called for jury duty, must provide their supervisor with an acknowledgement of service from the court. The acknowledgement for service must be attached to a completed Authorization for Leave Form and submit to their supervisor for approval. The approved form should be attached to their accurately completed timesheet and submitted to the payroll office for processing.

Payment received for jury duty will be retained by the employee. Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

8.10 VOTING LEAVE

Employees are encouraged to exercise the right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours

Upon 30 days' notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to vacation, accrued compensatory time, or leave without pay for the period of time missed. (*Legal reference: Election Code, Sec. 276.004.*)

8.11 ADMINISTRATIVE AND FUNERAL LEAVE

Administrative Leave: The City may grant administrative leave with or without pay to an employee, at the discretion of the City Manager, or his/her designee, when no other paid leave category is available or applicable.

Department heads, in consultation with the City Manager, may designate administrative leave with pay only pending a disciplinary decision or drug/alcohol screening results, or during an internal investigation.

Written notice of administrative leave shall be provided to the employee and a copy forwarded to the human resources department for proper payroll processing..

Funeral Leave: Funeral leave with pay may be granted to regular employees by the City Manager, or his/her designee, in the event of a death in an employee's immediate family. Funeral leave is limited to no more than three days, or 24 hours for firefighters, per occurrence. The length of time granted for funeral leave must be approved by the department head in advance and will depend on the circumstances. The terms of and reasons for the leave must be documented and filed in the employee's personnel file. Funeral leave cannot be accumulated or carried forward.

An employee may be required to provide proof of death/funeral/family relationship in support of funeral leave. Funeral leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for funeral leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take funeral leave must notify their supervisor immediately. Employees may take additional time off as vacation, compensatory time or, if no vacation or compensatory time is available, as authorized leave without pay upon the recommendation of the department head and approval of the City Manager, or his/her designee. All funeral leave time taken must be requested on the City's request for leave form.

For purposes of funeral leave, immediate family includes spouse, child, step-child, parent, step-parent, brother, step-brother, sister, step-sister, grandparent, or grandchild, of an employee or an employee's spouse, or any other relative living in the employee's household.

Employees who wish to attend funerals for other than for their immediate family must use vacation, compensatory time, or unpaid leave, with the approval of their supervisor or department head.

8.12 OTHER LEAVES OF ABSENCE WITHOUT PAY

Leave of absence without pay is an approved absence from duty in a non-pay status. Granting a leave of absence without pay is at the discretion of the City Manager, or his/her designee. This type of leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the City at the end of the approved period.

Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit programs or by these policies. Health insurance may be continued if the employee pays the premiums (including the City's portion) in full and in a timely manner.

Revocation of Leave Without Pay. A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting such leave was misrepresented or has ceased to exist.

Authorized Reasons for Leave Without Pay. A leave of absence without pay may be appropriate for the following reasons:

- Recovery from extended illness or temporary disability, including using leave without pay to add to the allowable 12-week period of family leave; pregnancy is treated in the same manner as any other extended illness or temporary disability (see also the section on **Family and Medical Leave**);
- Educational purposes when successful completion will benefit the City;
- Public service assignments;
- Seeking public office;
- Personnel exchange programs which emphasize intergovernmental relations; or
- Any other reason which, in the judgment of the City Manager, or his/her designee, merits a leave of absence without pay.

An approval of a request for leave of absence without pay is at the discretion of the City Manager, or his/her designee, and is based upon the employee's length of service with the City and past attendance record, the department's needs, and prospect for temporary replacement of the employee or reassignment of the employee's duties. Under normal circumstances, a leave of absence without pay is limited to a maximum of 45 days. However, in extraordinary circumstances, the City Manager, or his/her designee, may extend the leave-without-pay period in increments not to exceed 30 days each.

Return to Work After Leave Without Pay. Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date which reflect the period of time that the employee used for leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on longevity.

At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid

any applicable accrued benefits. See also sections on **Family and Medical Leave** and on **Military Leave** for specific provisions relating to leaves of absence for those purposes.

8.13 INJURY LEAVE

For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, please see the sections in this manual under the main heading **Health and Safety**.

8.14 USING LEAVE IN COMBINATION

When an employee on sick leave has exhausted their accrued sick leave, the employee will automatically be placed on vacation leave, with the approval of the department head and City Manager, or his/her designee, if (1) the employee has accrued vacation leave available, and (2) the employee has not requested a temporary leave of absence without pay.

A regular employee who is requesting extended leave for illness or temporary disability that does not qualify as FMLA, has the option of choosing to use all or part of their accrued sick and vacation leave in any combination with the requested leave without pay, with the approval of the department head and City Manager, or his/her designee. This does not apply to FMLA which requires that the employee exhaust all eligible leave balances before FMLA leave without pay may commence.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the employee's department head and the City Manager, or his/her designee, other types of leave may be used in combination or in conjunction with holidays if it is determined to be in the best interests of the City and the employee.

9.00 HOLIDAYS

9.01 GENERAL POLICY

The following days are hereby designated as official City holidays to be observed by eligible regular full-time employees and are subject to the provisions and limitations hereinafter set forth.

1. New Year's Day (January 1);
2. Martin Luther King, Jr. Day (3rd Monday in January);
3. Presidents' Day (3rd Monday in February);
4. Memorial Day (last Monday in May);
5. Juneteenth Holiday (June 19)
6. Independence Day (July 4);
7. Labor Day (1st Monday in September);
8. Columbus Day (2nd Monday in October);
9. Veterans Day (November 11);
10. Thanksgiving Day (4th Thursday in November);
11. Thanksgiving Friday (immediately following Thanksgiving Day);
12. Christmas Eve (December 24);
13. Christmas Day (December 25).

If a designated holiday falls on a Saturday, the prior Friday shall be observed as the holiday. If a designated holiday falls on a Sunday, the following Monday shall be observed as the holiday.

Regular full-time employees are eligible to receive 8 hours of holiday pay on official City holidays, except in certain situations where an employee is absent due to an unpaid leave-of-absence. Holiday pay does not go toward overtime. Temporary and part-time employees are not eligible to receive holiday pay.

An employee who is absent without approval on the workday immediately preceding or following a holiday will not be paid for the holiday.

9.02 WORK DURING HOLIDAYS

It is not always feasible to allow all employees time off for holidays, especially employees in a department that operates 24 hours per day. With the approval of the City Manager, or his/her designee, a department head who finds it necessary to do so may direct some or all employees of the department to report for work on any holiday.

Regular full-time and part-time employees who are required to work on a holiday, and whose jobs are not exempt from overtime under FLSA, will be paid time and one-half for all hours worked on the holiday. Hours worked on a holiday will not go toward overtime since the hours are already paid at time and one-half.

For employees whose normal work schedule is Monday through Friday, the scheduled holiday is the designated holiday observed by the City, which may or may not be the actual holiday on the calendar. For employees whose normal work schedule is something other than Monday through Friday, the scheduled holiday is the actual holiday on the calendar (fire, police, golf, etc.).

Temporary and seasonal employees who are required to work on a holiday will be paid their regular hourly rates. Temporary and seasonal employees are not eligible for holiday pay.

9.03 HOLIDAYS FALLING ON NON-WORKDAYS

When a City designated holiday falls on an employee's day off, they will either (1) receive eight hours of holiday pay, or (2) be provided with an alternate holiday on what would otherwise have been a regular workday for the employee.

9.04 HOLIDAY DURING APPROVED LEAVE

If an official holiday falls during a regular employee's approved paid leave, the employee will not receive pay for both the holiday and the approved leave, unless the approved leave is for more than 8 hours. If an employee's approved paid leave is 8 hours or less, the employee will receive 8 hours of holiday pay only. If an employee's approved leave is more than 8 hours, the employee will receive 8 hours of holiday pay and the remaining hours will be applied to the approved paid leave. For approved partial days of paid leave during a holiday, the employee will be paid time and one-half for the hours worked and 8 hours of holiday pay.

9.05 FULL OR PARTIAL DAY OFFICE CLOSINGS

Occasionally, the City Manager, or his/her designee, may designate other full and partial day office closings. With the approval of the City Manager, department heads may require some or all their employees to work during designated office closings. Employees who are required to work will not receive any additional compensation due to the office closing. Regular full-time and part-time employees who are allowed to take off due to the office closing will be paid for the hours they were scheduled to work. These hours will go toward the calculation of overtime, if applicable. If an office closing falls during an employee's paid or unpaid approved leave, the hours will be applied as requested on the approved Authorization for Leave slip. If an office closing falls during an employee's regular day off, the employee will not receive additional compensation.

9.06 OTHER RELIGIOUS HOLIDAYS

The City will make every effort to reasonably accommodate employees requesting leave to celebrate a religious holiday that is not a scheduled City holiday. Employees should submit requests as far in advance as possible. If approved, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.

9.07 SEPARATING EMPLOYEES

Separating employees will not be allowed to use a holiday as their final day of employment except in extraordinary situations and when authorized in advance by the department head.

10.00 EMPLOYEE SAFETY AND WORKERS' COMPENSATION

10.01 SAFETY POLICY

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to comply with all safety rules and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by following the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or to management at once.

10.02 EMPLOYEE RESPONSIBILITIES AND SAFETY

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees.

After consultation with the department head, a supervisor may require an employee to obtain a medical evaluation of his or her ability to operate equipment or vehicles safely. Such a medical evaluation may be required only if a supervisor has a reason to believe that an employee is incapable of safe operation of assigned equipment or vehicles. The City will pay for required medical evaluations.

The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc., when those items are appropriate to the task being performed.
- Smoke only during designated times in authorized outside areas.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get additional help with heavy (or difficult to handle) objects
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Material Safety Data Sheets (MSDS) – When applicable, employees will be shown the location of the City's Material Safety Data Sheets. MSDS provide valuable information about various chemicals and other agents that employees may encountered while performing their job duties. MSDS explain the possible reactions to exposure and steps employees should take if it occurs. Employees should review the MSDS information from time to time.

- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.
- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures vision.
- Do not block access to fire extinguishers.
- Do not touch, open, or loosen electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

Accident Reporting. All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor or the human resources department. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report accidents or injuries or, where appropriate, correct such situations, may be subject to immediate disciplinary action, up to and including termination of employment.

Accidents Involving City Equipment or Vehicles. Any employee involved in an accident while operating City equipment or vehicles shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an internal or City accident report, no matter how minor the damage is to the vehicle, and submit the report to their supervisor.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. Wearing of seat belts is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined, up to and including termination of employment, if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident. Employees involved in any type of accident involving City equipment may be required to submit to a drug and alcohol test immediately after the accident.

Volunteers and interns may not operate City vehicles or equipment without the written approval of the department head and City Manager, or his/her designee.

10.03 EMPLOYEE SUGGESTIONS

Employees are encouraged to make suggestions to their supervisors for improvements that would make the City workplace safer or more healthful.

10.04 ON-THE-JOB INJURIES/WORKERS' COMPENSATION

A. Eligibility for Workers' Compensation

Workers' compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring during the course and scope of one's employment. It is not designed to cover ordinary diseases of life. All employees and volunteers of the City are covered by workers' compensation insurance.

An employee injured on the job may be eligible for workers' compensation benefits, which may cover the cost of hospitalization, doctors, treatment, prescription drugs, and other related expenses, including possible partial salary continuation. Workers' compensation benefits are subject to a seven-calendar-day waiting period. After 28 calendar days of lost time, the seven-day waiting period will be paid retroactively under workers' compensation.

Injuries not directly related to or caused by a specific accident or incident that occurred in the performance of the employee's job duties for the City, injuries occurring while an employee or volunteer is working or volunteering for an employer or organization other than the City, and/or injuries occurring during self-employment, are not covered under the City's workers' compensation plan.

Exclusion. Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God except in certain limited circumstances (i.e., assigned to official duty during a tornado, lightning storm, etc.), or an act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

(Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title V, Subtitle A.)

B. Compensation.

If an employee sustains a bona fide on-the-job, work-related injury which renders him or her unfit for performing the duties of the job, that employee must file a workers' compensation claim and will receive workers' compensation payments as authorized under state statute.

However, payments for the workdays within the first seven calendar days are not received by the employee until he or she has been off work 28 days. The employee may use any accrued sick or vacation leave, if within the first seven calendar days from the date of injury, with the approval of their department head and City Manager, or his/her designee. A written doctor's statement must be presented to human resources before payment can be made to the employee in the next scheduled pay period. If the employee is not eligible for or does not have any accrued sick or vacation leave, the first seven calendar days will be unpaid leave.

An employee receiving workers' compensation payments may use any accrued sick or vacation leave to supplement the workers' compensation payments up to his actual salary at time of injury.

An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.

An employee receiving workers' compensation payments without any supplemental payments from the City may still participate and contribute, at his discretion, to the TMRS. The City will contribute its portion based upon the employee's contribution. It is the employee's responsibility to contact human resources regarding the option to contribute to TMRS during their absence due to a work-related injury or illness.

C. Continuation of Group Medical Insurance for Employee and/or Dependent.

To continue medical insurance for the employee while the employee is on injury leave and no longer receiving a regular City paycheck, the City will continue to pay the City's portion of the employee's medical insurance for a period of time not to exceed one year following the employee's injury. During this time period the employee must remit to the City the employee's portion of insurance premiums in a timely manner each month. Thereafter, if still employed, the employee must pay both the employee's and the City's portions of these insurance premiums to the City on the schedule established by the director of finance in order to maintain coverage. During unpaid injury leave, the employee and dependent insurance coverage may be changed to a COBRA plan by the City based on the requirements of the current insurance carrier. Upon return to work, the employee and dependent insurance coverage will be changed back to the City's current insurance plan.

D. Accident and Injury Reporting Procedures

Medical Attention. When an employee is injured on the job, the City's first priority is to ensure that the employee gets timely medical attention, using the procedures designated by the City's current workers' compensation insurance carrier. The employee must immediately report the circumstances of the accident and/or injury to the supervisor who will direct the employee to seek medical treatment, if necessary, from the Approved Doctor List (ADL), as provided by the City's workers' compensation insurance carrier in accordance with the Texas Department of Insurance. An employee may not seek medical treatment from any provider that is not on the ADL without prior approval from the workers' compensation adjuster assigned to the employee's claim.

Reporting and Documentation. The employee's supervisor is responsible for notifying the human resources department and the employee's department head immediately upon being made aware of an employee's involvement in an accident or injury. **This timely notification is critical.** Employees who fail to report or delay reporting an on-the-job injury are subject to disciplinary action, up to and including termination of employment.

The employee's supervisor will initiate a thorough investigation into the cause and circumstances of the accident causing the injury, including interviewing all witnesses and preparing a detailed written report explaining the facts of the accident that occurred. The supervisor must submit the City's Accident Report, First Report of Injury or Illness, and any other related information to the human resources department no later than the next business day after the injury was reported or no later than 9:00 a.m. on Monday for injuries occurring over the weekend.

If the employee's supervisor has reason to believe that an injury that has been reported is not directly related to or caused by a specific accident or incident occurring in the performance of the employee's assigned job duties, the supervisor must advise the human resources department of these circumstances. The decision of whether or not an injury will be covered by workers' compensation

will be made by the City's workers' compensation insurance carrier in accordance with the Texas Department of Insurance and not by the City.

If the employee's treating physician recommends convalescence at home, the employee is required to contact their supervisor daily, or as directed by the supervisor, during the time away from work. The employee's supervisor will report any changes in the employee's work status to the human resources department immediately. For every doctor's office visit, the employee is required to obtain from his doctor a completed Work Status Report, which includes the employee's diagnosis, when the employee is expected to be able to return to work, the employee's restrictions and the date of the employee's next appointment. It is the employee's responsibility to ensure that a copy of the Work Status Report is provided to their supervisor and the human resources department in a timely manner. Failure to report to the supervisor and human resources department as required may result in disciplinary action, up to and including termination of employment.

(Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title 5, Subtitle A.)

E. Returning to Work

The employee is to return to work immediately after treatment unless the treating physician will not permit regular duty or modified duty. The employee must have a written release from the doctor to return to work and the release must specify if there are any restrictions or no restrictions. All employees on injury leave must return to work after approval of either the treating physician or an independent physician paid by the City. Failure to return to work when directed may result in disciplinary action, up to and including termination.

The employee's supervisor must immediately notify the human resources department upon the employee's return to duty so that the City may resume recordkeeping for purposes of payroll, benefits, leave, and length-of-service accruals. The City does not guarantee the availability of a modified duty opportunity. However, the employee must accept any offer of a modified duty assignment that complies with the treating physician's restrictions, including an assignment in another department, or they may be subject to disciplinary action, up to and including termination of employment.

All modified duty assignments must be approved by the human resources department to ensure compliance with the City's policies, the physician's restrictions/release and with the Americans with Disabilities Act (ADA) and the Americans with Disabilities Act as Amended (ADAAA). *(Legal reference: U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008.)*

F. Maximum Time Limits

Subject to other restrictions, limitations and earlier terminations as applicable in particular circumstances, the City will hold open an employee's position, following an injury that occurred while performing official job duties or conducting City business, for a reasonable time period, not to exceed one year unless approved by the City Manager on a case-by-case basis, if holding the position does not result in undue hardship on the City. Twelve weeks of this period will be deemed leave under the Family and Medical Leave Act (FMLA), running concurrently with the employee's worker's compensation leave. The department head and human resources department will engage in discussions of any reasonable accommodations requested by the employee or the treating physician that may assist the employee in performing the essential functions of the job. At the end of the

reasonable period of time, not to exceed one year unless approved by the City Manager on a case-by-case basis, should the employee still be unable for any reason to perform the essential duties of the job, with or without accommodation, the employee's position may be filled and the employee may apply for any vacant position for which the employee is qualified and released from the physician to perform. If no vacant position is available for which the employee is qualified, if not selected to fill the vacant position, or if the employee declines to accept another position, employment with the City will be terminated.

(Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title 5, Subtitle A.)

G. Total Disability/Retirement.

A determination of total disability may be rendered at any time during the course of the occupational disability or injury leave. Upon such a determination, the human resources department will make the necessary arrangements for an eligible employee to apply for retirement under the "disability retirement" clause of the coverage provided by the City's retirement plan and will be subject to approval by the TMRS.

H. Reasons for Termination of Employment During Injury Leave.

An employee may be terminated while on leave for an on-the-job injury for the following reasons:

1. Refusal to return to duty on the workday on which the employee has been released by the treating physician;
2. Failure to accept a "modified duty" assignment;
3. Failing to follow prescribed treatment, including physical therapy and medical appointments; and
4. Participating in activities which, according to the City's medical and legal advisors, are injurious to recovery or they do not aid in healing.

I. Final Release or Settlement.

At the time of final release or settlement of a workers' compensation claim, the employee must furnish the City with a certificate from the employee's physician stating that the employee is able to return to work. The certificate must also specify any limitation(s) on the employee's physical condition and the estimated duration of the limitation(s).

The City will then evaluate the employee's physical condition and determine whether he or she can perform the duties of the job previously held. If (a) the employee cannot perform his or her previous duties, or (b) no vacancy exists, or (c) no other suitable position is available, and (d) a reasonable effort has been made to place the employee in a suitable position, then he or she will be separated and paid accrued benefits.

If the employee is separated from City employment at this point, the City Manager, or his/her designee, or his or her designee will:

1. Send him or her a certified, return receipt requested, letter;

2. Explain the circumstances, outlining the reasonable effort made to place the employee in a suitable position; and
3. Inform the employee that he or she has been separated from City employment and that he or she will be mailed a final paycheck, if applicable, for any accrued and payable leave benefits.

(Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title 5, Subtitle A.)

10.05 MODIFIED DUTY ASSIGNMENTS

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

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release, including duties performed in other employment that may be injurious to recovery or does not aid in the healing process. An employee who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond 90 calendar days without an evaluation by the employee's treating physician and a recommendation from the department head and human resources department to the City Manager, or his/her designee. Only the City Manager, or his/her designee, may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by the treating physician or revert to other options that may be available to the employee (i.e., workers' compensation indemnity payment, accumulated sick leave, FMLA or vacation benefits).

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's sick leave policy and salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's Family Medical Leave Act policy. If the leave is not FMLA eligible, an employee who elects not to accept a modified duty assignment may be subject to disciplinary action, up to and including termination of employment.

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment, unless otherwise approved by the department head and City Manager, or his/her designee.

During any modified duty assignment, an employee's salary shall be at the same rate as the salary received prior to the injury, except firefighters who lose a substantial number of work hours due to accommodations. If approved by the department head and City Manager, or his/her designee, a firefighter's rate of pay may be temporarily adjusted to accommodate a substantial decrease in hours worked

All modified duty requests and assignments will be reviewed by and coordinated through the department head and human resources department. The human resources department will work with the employee's department head in making the decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return with the department head and human resources department.

(Legal references: Workers' Compensation Act, V.T.C.A. Labor Code, Title 5, Subtitle A; U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008; and Family and Medical Leave Act of 1993 (Pub.L. 103-3), as amended.)

11.00 DRUG AND ALCOHOL ABUSE

11.01 DRUG-FREE WORKPLACE

It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner. To implement the City's desire to establish itself as a drug-free workplace, the City adopted a policy entitled Workplace Substance Abuse Prevention Policy effective January, 2012.

Each employee of the City will be furnished a copy of the Anti-Drug and Alcohol Misuse Prevention Plan handbook and will be asked to sign an acknowledgment form indicating that they have received a copy of the policy and are expected to read and understand the policy as a condition of employment

All employees of the City are hereby notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage is prohibited in the workplace of the City and while representing the City off premises. Employees who violate this policy will be subject to immediate disciplinary action, up to and including termination.

The City will make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this policy.

11.02 PURPOSE OF DRUG TESTING PROGRAM

The purpose of the City's drug/alcohol policy is to ensure a safe working environment and to protect the health and safety of the public by requiring that employees and applicants be free from drug dependence, illegal drug use, and drug abuse.

The intent of the policy is as follows:

1. To provide clear guidelines and consistent procedures for handling incidents of employees' use of alcohol, drugs, or controlled substances that affect job performance, and to make every effort to institute and maintain a drug-free workplace;
2. To ensure that employees conform to all state and federal regulations regarding alcohol, drugs, or controlled substances; and
3. To provide substance abuse prevention education for all employees.

11.03 DRUG AND ALCOHOL USE POLICY

The following information is general in nature and is not intended to represent the City's drug/alcohol policy in its entirety. Please refer to the Workplace Substance Abuse Prevention Policy Employee Handbook for detailed policies and procedures.

Prohibition Against Alcohol and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, unauthorized drug use, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as

prescribed or as intended by the manufacturer.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

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

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

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

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

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

Mandatory Reporting of Arrests and Convictions. Employees must notify their immediate supervisor

and the department head, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of *nolo contendere*) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

Mandatory Reporting of License Suspension/Revocation. Employees must notify their immediate supervisor and department head, in writing, of any action causing suspension or revocation of their driver license no later than their next work shift. Suspension or revocation of an employee's driver license may result in disciplinary action, up to and including termination of employment.

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

11.04 REHABILITATION/ TREATMENT

1. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted at the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.
3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.
4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.
5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

- Initial negative test for drugs and/or alcohol before returning to work;
- A written release to return to work from the City-approved rehabilitation or treatment facility/program;
- Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
- In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;
- The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the human resources department. The employee must meet with the human resources department to discuss the terms of continued employment and sign a formal agreement before returning to work.

11.05 POLICY VIOLATIONS

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

11.06 DRUG AND ALCOHOL TESTS

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

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

Testing of Employees.

1. **Reasonable Suspicion/Random Testing.** Employees may be tested for alcohol and/or illegal and unauthorized drug use after a workplace injury or accident or "near miss," when reasonable suspicion exists, or in connection with any required treatment or rehabilitation. The City may conduct random testing at any time on employees holding safety-sensitive positions.

For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors,

a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

2. **Departmental Rules for Police and Fire.** Police and Fire Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
3. **Payment for Testing.** Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
4. **Refusal or Tampering.** Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
5. **Positive Test Result.** A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City.
6. **Employees Subject to U.S. Department of Transportation Regulations.** The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

Testing Procedures.

1. All testing must normally be authorized in advance by both the employee's department head and the human resources department. If the department head is unavailable within a reasonable period of time, the human resources department may, with sole discretion, authorize the testing of an employee. If the human resources department is unavailable within a reasonable period of time, the department head may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
2. If an employee's conduct resulted in a workplace accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the

testing.

3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the human resources department; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City. (*Legal references: U.S. Americans with Disabilities Act of 1990 and ADA Amendments Act of 2008; and Family and Medical Leave Act of 1993 (Pub.L. 103-3), as amended; and Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended; and Ragsdale v. Wolverine Worldwide Inc.*)

11.07 DRUG AND ALCOHOL POLICY FOR DOT EMPLOYEES

Employees/Applicants Subject to Testing. City employees who drive a commercial motor vehicle (CMV) requiring a commercial driver's license (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the human resources department will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Use Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City or an employee of such contractor. City positions currently subject to the testing provisions of this policy include but are not limited to positions in the police department, fire department, public works department and DOT positions. Positions subject to the testing provision of this policy may change as job responsibilities change or as new jobs are added to the City's workforce. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDL's at all times when they are at work or are operating City equipment.

Prohibited Alcohol Use.

- a. **On-duty and Pre-Duty Use.** Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

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

b. **Use Following an Accident.** An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for eight hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

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

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

- a. **Pre-employment Testing.** Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.
- b. **Post-accident Testing.** Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:
 - When the accident involves injuries or damage to another person's property;
 - When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
 - When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
 - In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an

employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

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

Post-Accident Alcohol Testing. If alcohol testing cannot be administered within two hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the human resources department by the appropriate supervisor. If alcohol testing cannot be administered within eight hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the human resources department.

Post-Accident Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the human resources department.

- c. **Reasonable Suspicion Testing.** Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the department head (or designee) and affirm the basis of the suspicion. If the department head concurs, the employee will be required to undergo testing only after consultation with the human resources department. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the human resources department.
- **Timing of Reasonable Suspicion Alcohol Testing.** Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after the period of the work day during which the employee is required to comply with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within two hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the human resources department. If alcohol testing cannot be administered within eight hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the human resources department.

- **Prohibition Against Beginning or Continuing to Work.** Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:
 - An alcohol test measures the employee's alcohol concentration at less than 0.02; or
 - 24 hours have elapsed since the reasonable suspicion observation was made.
 - **Reasonable Suspicion Drug Testing.** A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the human resources department.
- d. **Random Testing.** Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year.

Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

- e. **Return-to-duty and follow-up testing.** Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least six tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02.

The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of an employee who has violated DOT drug and alcohol regulations, or this policy, and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

- f. **Refusal to Test.** An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers with/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and may be subject to disciplinary action, up to and including termination of employment. An applicant who does one of these prohibited acts will not be hired.

Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

Additional Information About Alcohol Testing.

- a. **Consequences of a Positive Alcohol Test.** An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be subject to disciplinary action, up to and including termination of employment. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and may be subject to disciplinary action, up to and including termination of employment. If the employee is not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)
- b. **Alcohol Testing Procedures.** A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The results of the second confirmation test determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

Additional Information About Drug Testing.

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

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

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, (1) test for other controlled substances pursuant to its general Drug and Alcohol Use Policy; or (2) modify the list of DOT tested drugs at the direction of DOT.

- c. **Review of Drug Test Results.** All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.
- d. **Consequences of a Positive Drug Test.** A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

Confidentiality. Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver’s specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers’ compensation and unemployment proceedings.)

All test results will be kept in a confidential file by the human resources department. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

Information from Prior Employers. For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver’s written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted

drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions.

If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of three years. The City will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past two years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

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

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

Employee Admission of Drug/Alcohol Use. An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy.

A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

Safety Sensitive Functions. For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the

driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

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

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

Questions. Anyone with questions regarding this policy should contact the human resources department.

11.08 SEARCHES

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, cell phones, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from City policy. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

All searches must be authorized and conducted under the direction of the human resources department and/or the City Manager, or his/her designee. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

12.00 USE OF AND ACCOUNTABILITY FOR CITY EQUIPMENT AND PROPERTY

12.01 GENERAL POLICY ON CITY EQUIPMENT AND PROPERTY

The City attempts to provide each employee with adequate tools, equipment, vehicles, and facilities for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations. Any City-provided safety equipment must be used at all times.

12.02 USE OF TOOLS, EQUIPMENT, PROPERTY AND VEHICLES

City property, materials, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for use in the operations of the City. Employees who are assigned tools, equipment, vehicles, or any other City property are responsible for them and for their proper use and maintenance. Repairs to vehicles must be done in accordance with City purchasing policies.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, uniforms, cell phones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Subject to Inspection. City property, including facilities, desks, files, lockers, vehicles, and computers, is subject to inspection and removal of illegal or unauthorized items. There is no expectation of privacy.

Tobacco Use Prohibited. The use of all tobacco products of any kind, including smokeless electronic cigarettes is prohibited at any time in City buildings and other facilities, in City vehicles, while using City equipment, and as otherwise directed. The City does not offer “smoke breaks” to employees. However, employees may smoke on their rest breaks outside of the building in designated smoking areas. Rest breaks which are excessive in frequency or length will be treated as an attendance issue and may be subject to disciplinary action, up to and including termination of employment.

Vehicle Allowance. An employee may be given a monthly allowance for consistently using such employee’s own vehicle for City business if the use is deemed necessary by the department head and City Manager, or his/her designee. The amount of the allowance shall be determined by the City Manager, or his/her designee.

Care of Vehicle or Equipment. Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appear to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee’s responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment may result in disciplinary action, up to and including termination of employment.

Take Home Vehicles. Personal or political use of any City property, materials, supplies, tools, equipment, or vehicles is strictly prohibited. However, if an employee is on-call and subject to receive an

emergency call, the employee may use a City vehicle for reasonable personal use in order to ensure prompt response to a call, with the prior approval of their department head. The only passenger(s) permitted in a City vehicle at any time are those persons who have an official City business reason to be in the vehicle.

An employee may drive a City owned vehicle home under the following conditions:

1. An employee who has been “designated the primary on call person” for the individual department shall be furnished a City vehicle during the time period the employee is designated as such. These vehicles will remain within a 20-mile radius of the City limits for commuting purposes to and from their primary residence.
2. An employee is at least at department head level.
3. Emergency response vehicles, i.e. police, fire, and animal control, shall be allowed take home vehicles at the discretion of the department head with the approval of the City Manager, or his/her designee.

If approved by the City Manager, or his/her designee, use of a City owned vehicle may be included within a contract of employment and may be exempt from this policy.

The City's vehicles are classified as either "exempt" or “non-exempt” as prescribed by law. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Employees to whom a "non-exempt" vehicle is assigned for take-home may incur a federal income tax liability for the benefit of commuting to and from work in a City vehicle. Police and fire vehicles used by employees on call 24-hours are normally exempt from the benefit tax liability.

No alcoholic beverages are allowed in City vehicles.

Use of City Vehicles. City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Employees responsible for driving a City vehicle must have a valid State of Texas driver’s license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must immediately inform their supervisor and department head, in writing, of any change in driver license status. Employees that fail to notify their supervisor and department head, in writing, of suspension or revocation of their driver license, or the possibility of these actions, may be subject to disciplinary action, up to and including termination of employment.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the department head.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the department head.

- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation (DOT) regulations must comply with the DOT regulations at all times.
- AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR A PRESENCE IN THE SYSTEM OF ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.
- EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE PROPER LAW ENFORCEMENT AGENCY (IF APPLICABLE) AND THE APPROPRIATE SUPERVISOR, DEPARTMENT HEAD, AND/OR CITY MANAGER, OR HIS/HER DESIGNEE. ACCIDENT REPORTS, ALONG WITH ANY REQUIRED LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT HEAD AND THE DIRECTOR OF FINANCE.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

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

Personal Property. All employees shall be solely responsible for their personal property at all times.

If an employee is in doubt about a circumstance, he or she must check with the department head before proceeding. Violations of this policy may result in termination and possible prosecution.

12.03 USE OF CITY COMPUTERS, INTERNET ACCESS AND ELECTRONIC MAIL

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

Internet, Instant Message and Email Access. Users desiring Internet, instant messaging and/or email access must obtain written permission from their department head and provide it to the human resources department. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

Acceptable Use. Acceptable uses of the City's electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City's internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Personal use of City electronic media is not permitted. City employees should keep in mind that even when an e-mail or voice mail message has been deleted from a location, it is still possible to retrieve that message. Supervisors cannot alter the restrictions of this policy.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers **or** third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission.
- Soliciting or proselytizing others for commercial purposes, causes, outside organizations, chain messages or other non-job-related purposes.
- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views.
- Sending or participating in chain letters, pyramid schemes or other illegal schemes.

- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- City employees should keep in mind that even when an e-mail or voice mail message has been deleted from a location, it is still possible to retrieve that message

If any employee receives unsolicited e-mail from outside the City that appears to violate this policy, the employee should notify their supervisor immediately. Similarly, if any employee accidentally accesses an inappropriate web site in the normal course of business, the employee should notify their supervisor immediately.

Filtering. The City uses software to filter Internet and instant message content for all employees. These filters are designed to prevent the viewing, sending or access to any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

(See Policy on **Sexual Harassment.**)

The City will review this filtering on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Manager, or his/her designee, (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

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

No Right of Privacy/Monitoring. Users of City electronic communications systems may not assume they are provided any degree of anonymity, and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, text messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

Copyright Restriction. Downloading or disseminating of copyrighted material that is available on the Internet, including music, is an infringement of copyright law, as is downloading or posting of any copyrighted material from any source to the City's network. Permission to copy the material must be obtained from the

publisher. Prior written authorization from the City Manager, or his/her designee, is required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

12.04 SOCIAL MEDIA POLICY

City Policy Regarding Social Media.

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

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

Use of City's Internet. Use of the City's Internet is a privilege, and City employees must use it responsibly and ethically. The City may monitor an employee's access, use, and postings to the City's Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the guidelines in this policy when posting information on the City's social media sites.

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

Employee Guidelines: Use of Social Media on Work Time

Any blogging or posting of information on the Internet or other City social media sites must comply with the City's guidelines, regardless of where the blogging or posting is done.

- Blogging, or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites.
- Employees must obtain written authorization from their department head and City Manager, or his/her designee, to update or post on social media sites on behalf of the City and all content must be approved prior to posting. All of the employee's time spent updating or posting on City social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.

- No use of social media on work time and on City equipment on City-operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed in accordance with the Public Information Act.
- Employees must abide by all federal and state law and policies of the City with regard to information sent through the City's Internet.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

Employee Guidelines: Use of Social Media While NOT on Work Time

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

- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.
- Respect co-workers and the City. Do not put anything on your personal social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything on your personal social media site that may constitute violation of the City's harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City. Be mindful that the City's harassment policy covers both work and non-work time, including postings on social media sites.
- Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.
- Do not post information on your personal social media site that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

12.05 VALID DRIVER'S LICENSE

The City requires that every employee who operates a City owned or leased vehicle, or who drives a privately owned vehicle while carrying out job duties for the City, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City, and must keep supervisors and department heads informed of any changes in status of the license. Department heads or supervisors will periodically check the driving records of employees who operate City vehicles. Failure to maintain a safe driving record may result in reassignment to a different position or disciplinary action, up to and including termination of employment. An employee may be required to participate in a defensive driving course if the employee is cited with a moving violation. Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in reassignment to a different position or disciplinary action, up to and including termination of employment. The Police and Fire Departments may have stricter standards imposed.

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

Employee's must notify their supervisor and department head, in writing, of suspension or revocation of their driver license, or the possibility of these actions, by their next work shift. Employees who do not report a change in status of their driver license, may be subject to disciplinary action, up to and including termination of employment.

12.06 VEHICLE INSURANCE

The City maintains up-to-date insurance coverage on vehicles owned by the City. Employees who drive a personal vehicle on City business are required to maintain up-to-date insurance coverage and to provide the director of finance with proof of automobile liability insurance as required by the State of Texas. Failure to do so is grounds for disciplinary action, up to and including termination.

12.07 ACCIDENT REPORTING

An employee involved in an accident while operating City equipment or vehicles must report the accident and any injury to persons or any property damage to their supervisor and to the police department immediately, or, in the case of injury to the employee, as soon as the employee is able.

Each vehicular accident, no matter how minor, must be reported to the police department so an official accident report can be filed. Employees involved in accidents may be required to submit to a drug and alcohol test immediately following the accident. Refusal to submit to the drug and alcohol test may result in disciplinary action, up to and including termination of employment.

A copy of the accident report by the police department involving City equipment or vehicles must be forwarded to the City Manager, or his/her designee, as soon as the police report is completed. In cases where an accident involves a police vehicle, the police department will investigate the accident and file an official accident report with the City Manager, or his/her designee. A copy of the accident report will also be filed with the human resources department for placement in the personnel file of the employee involved in the accident. The respective department head will also receive copies of each accident report.

13.00 EMPLOYEE CONDUCT AND DISCIPLINE

13.01 GENERAL

All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees. Nothing in these policies is intended to alter the continuing at-will status of employment with the City.

13.02 PROGRESSIVE DISCIPLINE

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

- Oral warning
- Letter of counseling
- Written reprimand
- Probation
- Suspension (without pay)
- Demotion
- Last chance agreement
- Discharge

Documentation: All forms of discipline, including summaries of oral warnings, must be documented and will be placed in the employee's personnel file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to the City Manager, or his/her designee, for review and approval prior to taking the action. The supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

Supervisory Responsibility: All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; evaluate the job performance of their subordinates on a daily basis; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

Prohibited Activities: Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct which may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or use of City property or other property not belonging to the employee;
- Falsification of timekeeping or other records, including employment application;
- Reporting for work or working under the influence of or a presence in the system of alcohol or illegal drugs;
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment;
- Violation of City's policy regarding sexual or other unlawful harassment;
- Interfering with work schedules or another employee's ability to work;
- Misuse of City telephones, computers, mail systems, internet, etc.;
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks, or absence without notice and/or approval;
- Breaks in excess of the allotted time allowed;
- Violation of smoking/tobacco policy;
- Violation of safety or health rules and failure to immediately report an on-the-job injury/accident;
- Profanity, abusive language, or racial slurs;
- Unauthorized disclosure of confidential information;
- Violation of any provision of the City charter;
- Violation of City or departmental policies, codes of conduct, rules and procedures;
- Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others;
- Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others;
- Unsatisfactory performance or conduct;
- Inefficiency, incompetence or neglect of duty;
- Fighting, provoking or instigating a fight, or threatening violence;

- Disruptive activity in the workplace;
- Engaging in a work stoppage;
- Conduct which results in waste or damage of a co-worker's, the City's, or citizen-owned property;
- Insubordination or other disrespectful or unprofessional conduct;
- Discourteous treatment of the public;
- Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle);
- Violation of local, state or federal law;
- Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime;
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension;
- Outside employment that conflicts with, or potentially conflicts with, City interests;
- Acceptance of payment of any kind for activities related to City employment;
- Failure or refusal to follow lawful orders;
- Sleeping on the job (except for fire department personnel who are governed by applicable fire department rules and regulations);
- Dishonesty, including misrepresentation during the hiring process;
- An accumulation of minor infractions.

Administrative Leave: During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay and may be charged to available accrued leave if authorized by the City Manager, or his/her designee.

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal, see the following sections of this manual relating to **Separations**.

13.03 SUSPENSION FOLLOWING INDICTMENT

If the City Manager, or his/her designee, determines that suspension or dismissal is in the best interests of the City and the public, the City Manager, or his/her designee, may dismiss or suspend, with or without pay, an employee indicted for a felony, or accused by information of official misconduct or oppression.

14.00 SEPARATIONS

14.01 TYPES OF SEPARATIONS

All separations of employees are designated as one of the following types:

- Resignation;
- Abandonment of Position;
- Retirement;
- Reduction in Force;
- Dismissal/Termination;
- Disability;
- Incapacity; or
- Death.

14.02 RESIGNATION

A resignation occurs when an employee notifies their department head, either orally or in writing, that the employee does not intend to continue working for the City. Once an employee has resigned, either orally or in writing, the department head will acknowledge the resignation immediately in writing and forward the required paperwork to the human resources department and City Manager, or his/her designee.

An employee who intends to resign is requested to notify his or her department head in writing at least 10 working days prior to the last day of work. After receiving a resignation notification from an employee, the department head, with the approval of the City Manager, or his/her designee, may accept the resignation effective immediately instead of allowing the employee to continue working until their last day. Employees who fail to give the 10 working days' notice are typically not eligible for rehire.

14.03 ABANDONMENT OF POSITION

Unauthorized absence from work for a period of three consecutive working days or more is normally considered job abandonment, which the City considers a resignation, and the employee is terminated. Unless the City Manager, or his/her designee, determines otherwise, the employee is not eligible for rehire.

14.04 RETIREMENT

An employee who intends to retire is requested to notify the department head, supervisor and the human resources department, in writing at least one month prior to the date of retirement. The employee may retire from the City on any day during the month. However, the date submitted to TMRS as the official retirement date will be the last day of the month in which the employee's termination of employment was effective. The TMRS application for retirement must be in the TMRS office by the intended retirement date to prevent a delay in payment of retirement benefits.

Retiree Health Coverage. An employee who retires from City employment and who is entitled to receive retirement benefits from TMRS, is entitled to purchase continued health benefits coverage for the retiree and eligible dependents unless the person is eligible for group health benefits coverage through another employer. To receive continued coverage under the plan, the employee must so inform the human

resources department on or before the date of retirement. If the employee elects to continue coverage for the retiree and/or any eligible dependents and later elects to discontinue such coverage, the retiree and/or dependent is no longer eligible for coverage. An employee can elect retiree coverage only if covered under the plan at the time of retirement. Similarly, a retiree may elect to cover only those eligible dependents who were covered under the plan at the time the employee retired. A person who was not covered under the plan at the time of the employee's retirement is not eligible for retiree coverage.

The City may provide different insurance plans for a different monthly premium rate(s) for retirees who elect to continue health benefits coverage. The City may substitute Medicare supplement health benefits coverage as the coverage provided for a person who receives health benefits coverage, including an eligible dependent, after the date the person becomes eligible for federal Medicare benefits. A person who is entitled to retiree group health coverage must make payments for the coverage at the same time and in the same manner as current City employees.

14.05 REDUCTION IN FORCE

An employee may be separated when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. When reductions in force are necessary, decisions on individual separations will be made after considering:

1. The relative necessity of each position to the organization,
2. The performance record of each employee,
3. Qualifications of the employee for remaining positions with the City, and
4. The employee's length of service with the City.

Employees who have been laid off may reapply to the City for another position. Qualified former employees will be given priority consideration in the event of a vacancy.

When a regular employee who has been employed by the City for 12 continuous months is dismissed as a result of a reduction in force, they will be given a minimum of two weeks' written notice and paid in full to the time of discharge including accrued benefits based on the Leave Time Policy in this manual. In addition, the City department head will attempt to guide the employee to any available, suitable job openings in the area for which the employee qualifies.

14.06 DISMISSAL/TERMINATION

The City operates under the legal doctrine of "employment-at-will" and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. The City will attempt to ensure that employee dismissals are not made in an arbitrary and capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The City has the right to change these policies at any time, without prior notice to employees.

The City Manager, or his/her designee, may delegate dismissal authority to a department head, but the City Manager, or his/her designee, and City attorney must be consulted on any prospective termination. In addition, the City Manager's, or his/her designee's, signature is required on all personnel action forms involving dismissal.

City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of City policies or procedures, are not eligible for rehire.

14.07 DISABILITY

In cases of long-term disability during which an employee is unable to return to work for a period of time that would cause an undue hardship for the City to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the City, the employee will be separated from employment with the City. (*Legal reference: U.S. Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008.*)

See chapter of these policies on **Safety and Workers' Compensation** for details on occupational disability resulting from bona fide, on-the-job, work-related injuries.

14.08 INCAPACITY

An employee may be terminated for incapacity when the employee no longer meets the physical or mental requirements of the job with or without accommodations. A termination for incapacity is not considered a disciplinary action. The employee may receive payment upon termination for accrued vacation and sick leave benefits based on the Leave Time Policy in this manual.

14.09 DEATH

If a City employee dies, his or her estate receives all pay due including all accrued compensatory time and accrued vacation and sick leave based on the Leave Time Policy in the is manual.

14.10 SEPARATIONS

The department head (or designee) is responsible for promptly notifying the human resources department of all separations and providing documentation of receipt of all departmental and/or City property from the exiting employee. Final payment of compensation may be withheld pending return of City property, completion of necessary paperwork, and other requirements of separation.

14.11 CONTINUATION OF GROUP INSURANCE

The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health insurance, at the individuals' full expense, under specific conditions. The following is a summary of the benefits provided under COBRA.

Eligible Employee. To be eligible for continuation coverage, an individual must be an employee of the City covered by the City's group health plan or an individual who is otherwise covered under the plan.

Eligible Circumstance. An eligible employee has the right to choose continuation coverage if he or she loses group health coverage because of a reduction in his or her hours of employment or the termination of his or her employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee or other worker covered by the City's group health plan has a right to choose continuation coverage if he or she loses coverage under the City's group health plan for any of the following reasons:

1. The death of the employee;
2. Termination of the employee (for reasons other than gross misconduct);

3. Divorce or legal separation from the employee; or
4. The employee applies for and becomes entitled to Medicare.

The dependent child of an employee or other worker covered by the City's group health plan has a right to choose continuation coverage if he or she loses coverage under the City's group health plan for any of the following reasons:

1. The death of a parent;
2. The termination of a parent's employment (for reasons other than gross misconduct), or reduction in a parent's hours of employment with the City;
3. Parents' divorce or legal separation;
4. A parent applies for and becomes entitled to Medicare; or
5. The dependent ceases to be a "dependent child" under the City's group health plan.

Notice. Under COBRA, the covered worker or family member is responsible for notifying the human resources department within 30 days of any event that affects the employee's or dependent's insurance coverage under the City's group health plan, including, but not limited to, divorce, legal separation, or a child losing dependent status. The human resources department is responsible for notifying the plan administrator of the covered worker's death, termination of employment, reduction in hours, or entitlement to Medicare.

When the plan administrator is notified that one of the above events has occurred, he or she will notify the covered worker or family member that he or she has the right to choose continuation coverage. The covered worker or family member then has at least 60 days from the date on which he or she would otherwise lose coverage to inform the plan administrator that he or she wants continuation coverage. If the covered worker or family member does not choose continuation coverage, group health insurance coverage will end. If the covered worker or family member chooses continuation coverage, The City of Universal City will provide coverage that, as of the time that coverage is being provided, is identical to the coverage provided under the insurance plan to similarly situated employees or family members. The employee is responsible for payment of any coverage elected under COBRA. If payment is not received as required, all insurance coverage will be cancelled.

Limitations and Extensions. Continuation of coverage is limited to 36 months, unless the covered worker or family member lost group health coverage because of a termination of employment or reduction in hours. In that case, the continuation coverage period is 18 months. The 18-month period may possibly be extended to 36 months if other events (e.g., divorce, legal separation, death, or Medicare entitlement) occur during that 18-month period. Moreover, the 18-month period may possibly be extended for an additional 11 months (for a total of 29 months) if an individual is determined to be disabled (under the rules for Social Security disability benefits) and the plan administrator is notified of that determination within 60 days. An individual who receives the extended coverage due to a disability must notify the plan administrator when it is determined (for the purposes of Social Security disability benefits) that the individual is no longer disabled.

Continuation coverage may be cut short of the full coverage for any of the following reasons:

1. The City no longer provides group health coverage to any of its employees;

2. The premium for continuation coverage is not paid;
3. The covered worker or family member becomes eligible for Medicare;
4. There has been a final determination that the covered employee or family member is no longer disabled (in the case of beneficiaries who qualified for the extra 11 months of continuation coverage based on their disability at termination); or
5. The covered worker or family member becomes covered under another group health plan that does not contain any provision restricting or limiting coverage of a “preexisting medical condition.”

An individual does not have to show that he or she is insurable to choose continuation coverage. A minimum 30-day “grace period” will be allowed for the covered worker or family to pay regularly scheduled premiums. At the end of the continuation coverage period, the covered worker or family member will be allowed to enroll in an individual conversion health plan provided by the current health plan.

(Legal reference: U.S. C.O.B.R.A. of 1985; Health Insurance Portability Act of 1996; and ERISA Technical Release No. 96-1.)

Employees can obtain additional information on this subject from the director of finance.

14.12 CALCULATION OF TERMINATION PAY

Employees who are separated from employment with the City will normally be paid on the next regularly scheduled payday. A regular employee who has completed at least one year of continuous service will be paid for unused vacation leave, up to the limit established by the Leave Time Policy in this manual.

Upon termination or resignation of employment, unused sick leave will be forfeited and the employee will not be compensated. Upon retirement, eligible employees will receive compensation for accrued vacation and sick based on the Leave Time Policy in this manual.

Payment for such leave balances will be included in the employee’s final paycheck and will be calculated in the following manner:

- Work time and allowable accrued vacation, sick and compensatory leave time will be compensated at the employee’s current hourly rate of pay. Exempt, salaried employees’ pay may be prorated based on the date of their termination.
- For employees who are subject to the Fair Labor Standards Act (FLSA), any overtime hours worked during the employee’s final pay period which have not been compensated through either of the time-off methods described under “**Overtime Worked**” section in these policies, will be paid in the final paycheck at a rate of one and one-half times the employee’s regular hourly rate for each overtime hour worked.
- Compensatory time which has been entered and carried on the employee’s records at one and one-half times the number of hours worked will be paid at the employee’s regular straight-time rate for the total number of hours on the employee’s compensatory time record. (Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight-time payment for these hours is equivalent to time and one-half pay for the hours actually worked.)

15.00 GRIEVANCES

15.01 POLICY

It is the policy of the City, insofar as possible, to prevent the occurrence of grievances, and to deal promptly with those that occur. No adverse action will be taken against an employee for filing a grievance. The Texas Whistle Blower Act provides that the City may not suspend or terminate the employment of, or otherwise discriminate against, a City employee who reports a violation of law to an appropriate law enforcement authority, if the employee's report is made in good faith.

A regular employee may file a grievance on one or more of the following grounds:

- Improper interpretation and/or application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves);
- Illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin;
- Improper application of fringe benefits; or
- Improper working conditions.

The City follows a grievance procedure which ensures the employee due process in the City's consideration of his or her work-related grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance. Terminations, which must be approved by the City Manager, or his/her designee, are not grievable actions.

15.02 FINAL AUTHORITY

Grievances may be appealed through the employee's supervisor who submits the appeal to the City Manager, or his/her designee, whose decision is final.

15.03 PROCEDURE

The following procedures are applicable to regular employees.

Informal Grievances. The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written grievance.

Formal Grievances. Formal grievances must be in writing, signed by the employee, and presented to the employee's supervisor within 10 working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the grievance process by another City employee of his or her choosing who has not been an employee representative in any other City grievance proceeding within the previous 12-month period.

After being presented with a written and signed grievance, the supervisor will:

1. Meet with the employee and such other persons as may be necessary to gather the facts;

2. Notify his or her supervisor and department head, who must notify the City Manager, or his/her designee, immediately upon learning that a grievance has been filed;
3. Attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
4. Communicate the decision to the employee in writing within 15 working days after receipt of the grievance, sending a copy of the proposed resolution to the City Manager, or his/her designee, and the department head.

If an employee either receives no written resolution from the supervisor within 15 working days from the date on which the grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the department head within 10 working days after the time period for the receipt of a proposed resolution has elapsed. The department head will review the facts and the file; meet with the parties involved; attempt to resolve the grievance within five working days after receipt of the grievance appeal; and respond in writing to the employee within 10 working days of the date on which the appeal was received in the department head's office, sending a copy to the City Manager, or his/her designee.

If the employee either receives no written resolution from the department head within 10 working days from the date on which the appeal was filed with the department head, or if the employee is not satisfied with the department head's proposed resolution of the appeal, the employee must file a written appeal with the City Manager, or his/her designee, within 10 working days. The City Manager, or his/her designee, will then review the facts and the file and meet with the parties involved, if deemed appropriate, before responding in writing to the employee within 15 working days of the date the appeal was received in the City Manager's, or his/her designee's, office. The City Manager's, or his/her designee's, decision is final, except for grievances filed by department heads, who may appeal to the City Council if they are alleging discrimination or sexual harassment against them by the City Manager.

Maximum Time Periods. At each stage of the grievance process, the time periods specified are maximums. Grievances should be dealt with promptly and written responses provided as quickly as possible, preferably within five working days in simple grievance matters.

Documentation. Copies of all documentation relating to the grievance will be forwarded to the City Manager's, or his/her designee's, office immediately upon conclusion of each step in the grievance process and will be placed in the employee's personnel file.

Grievances Relating to Sexual and Other Unlawful Harassment or Discrimination. Any employee may file a grievance related to alleged sexual harassment or discrimination on the basis of race, religion, color, sex, national origin, age, disability, or any other unlawful form of harassment or discrimination. Under this policy, an employee may report to and/or contact the human resources department directly, without regard to the employee's normal chain of command. If the human resources department is not available, the employee may report to and/or contact the department head or the City Manager, or his/her designee, directly.

Any supervisor, manager, or department head who becomes aware of possible conduct prohibited by this policy must immediately advise the City Manager, or his/her designee.

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

If the grievant is a City department head alleging discrimination or sexual harassment by the City Manager, they may file a grievance directly with the City Council within 10 working days of the alleged discriminatory act. In such instances, to allow adequate time for proper investigation, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before their written resolution of the grievance is required to be received by the employee. In all instances of alleged discrimination or sexual harassment, the City attorney will be consulted before a written resolution is provided to the grievant.

Requirement for Appeal if Dissatisfied. If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal implies that the employee is satisfied with the latest resolution.

16.00 PERSONNEL FILES

16.01 GENERAL

The human resources department maintains personnel records. Medical records are filed in a separate, confidential file maintained by the human resources department.

Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the City Manager, or his/her designee, or by an employee authorized to do so by the City Manager, or his/her designee.

Each employee may choose whether the City discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information, with the exception of police officers, whose addresses and telephone numbers are not public information. However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the human resources department. *(Legal reference: Public Information Act, V.T.C.A. Government Code, Sec. 552.024.)*

An employee or his or her representative designated in writing may examine the employee's personnel file upon request during normal working hours at the City offices. An employee may request copies of items or materials in his or her personnel file but may not remove anything from the file.

When a supervisor requires access to the personnel file of an employee under his or her supervision for the handling of personnel matters, the human resources department will provide access to the specific file(s).

Employees must inform their supervisor of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

(Legal reference: Article 6252-17a, V.T.C.S.)

16.02 PERSONNEL ACTION FORM

The Personnel Action Form is the official document for recording and transmitting each personnel action to the personnel file. A Personnel Action Form must be signed by the supervisor and the City Manager, or his/her designee, and submitted to the payroll office before it becomes effective. This form is used to promote uniformity in matters affecting:

- Employment Category,
- Position Title and Classification,
- Pay Group and Rate, and
- Other Actions Affecting the Employee's Status.

Each Personnel Action Form becomes a permanent part of the employee's personnel file; a copy is given to the employee each time an action occurs.

16.03 CONTENTS OF PERSONNEL FILES

An employee's official personnel file contains all documents related to an employee's employment relationship with the City, except for medical records, direct deposit, W-4 and I-9 forms.

Direct deposit, W-4 and I-9 forms for all City employees are filed chronologically in a single file that is separate from individual personnel files.

An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug or alcohol testing. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the director of finance and human resources department have routine access to employee medical records. *(Legal reference: U.S. Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008.)*

16.04 LEAVE RECORDS

Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by the human resources department. Leave records are updated at the end of each biweekly pay period. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Supervisors must attach a copy of an approved leave request to the employee's timesheet and submit it to the payroll office for any paid leave time used by an employee under his or her supervision. It is the responsibility of the department head to ensure hours are adequately reported on employee's timesheets before submitting to the payroll office.

17.00 PROFESSIONAL DEVELOPMENT

17.01 GENERAL POLICY

The City encourages its regular full-time employees to take advantage of educational or training opportunities and professional memberships that are related to and will enhance their performance of work with the City.

17.02 REQUIRED ATTENDANCE AT SEMINARS AND CONFERENCES

When the City requires an employee to attend any educational or training course, conference, or seminar, the City will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals, and lodging. When appropriate, the City may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. See additional information in the chapter of these policies **Travel/Expense Reimbursement**.

17.03 PROFESSIONAL MEMBERSHIPS AND SEMINARS

Subject to the prior approval of the City Manager, or his/her designee, an employee who joins a professional association related to his or her work at the City may be reimbursed for dues and necessary travel expenses when meetings are judged to offer special training or information of value to the employee in his or her work at the City. Likewise, subject to the City Manager's, or his/her designee's, prior approval, an employee may be reimbursed for conference or seminar expenses if the conference or seminar is related to his or her work.

18.00 TRAVEL/EXPENSE REIMBURSEMENT

18.01 GENERAL TRAVEL/EXPENSE REIMBURSEMENT POLICY

The policy of the City is that employees are to be reimbursed, within budgetary limitations, for necessary and reasonable job-related expenses incurred in the authorized conduct of City business, including business-related travel. Except in cases involving in-City use of a personal vehicle, employees must fill out a "Travel Reimbursement/Advance Request" form before initiating travel that involves reimbursable expenses. The request should include an estimate of costs to be incurred, and in limited circumstances, cash advances may be made. This form should be filled out, approved by the department head, and turned in to the director of finance at least seven days prior to the employee's scheduled departure, if possible. The employee should keep a copy of the completed form to submit with trip receipts upon the employee's return.

Regardless of whether a cash advance has been made or a request submitted for reimbursement of expenses, all travel expenses are subject to requirements of documentation and reasonableness, and will be honored in conformance with adopted policies and procedures, provided that the travel was properly authorized and that funds are available in the department's budget. Whenever possible, the City will prepay such expenses as registration fees, hotel costs, and airline or other public transportation costs directly to the entity involved. Employees will be reimbursed for actual reasonable meal expenses while on official City business, when a detailed, itemized receipt is submitted. Alcohol purchases will not be reimbursed.

Employees should be conscientious in their use of City funds. In all cases, travel expenses should be limited to those that are reasonable and necessary. Additionally, when two or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expenses. Employees are expected to use the least expensive means of travel for the City, including avoiding unnecessary overtime whenever possible.

Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies, will not be charged as costs to those grants, contracts, or agreements.

18.02 LOCAL TRAVEL

All necessary travel by City employees for authorized conduct of City business within the local area is authorized. Reimbursement for the use of private automobiles by employees is made monthly upon submission of a required expense report and request forms. Mileage is reimbursed at the maximum rate allowed by the Internal Revenue Service at the time the mileage is incurred. Reimbursement of meals while traveling locally is subject to approval by the department head.

18.03 OUT-OF-CITY TRAVEL

Travel by City employees outside the City in which the employee is stationed is permissible, provided that it is authorized in advance by the department head and does not exceed budgetary limitations. Travel advances or reimbursement for travel is based upon the most economical conveyance that is reasonably available. When private automobiles are used for travel, reimbursement is allowed on the basis of actual mileage traveled or tourist class air fare, whichever is less. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is not an allowable expense, except when less-than-first-class air accommodations are not reasonably available.

In cases where a rental car is used, employees must choose the optional insurance coverage; the City will pay for the insurance cost.

18.04 OTHER EXPENSES

Within the limits of approved departmental budgets, employees engaged in necessary and authorized travel in the conduct of City business will be reimbursed for actual costs of reasonable and documented expenses necessary to conduct the business for the City. Reimbursable subsistence expenses will generally be for registration, lodging, official telephone calls, parking, tolls, taxi, and reasonable gratuities. Detailed, itemized receipts or other documentation acceptable to the City Manager, or his/her designee, must accompany any request for reimbursement on the City expense report.

18.05 PERSONAL VEHICLE

Where use of a personal vehicle is judged by the City Manager, or his/her designee, to be the most reasonable means of transportation in the conduct of official City business, reimbursement will be at the maximum rate allowed by the Internal Revenue Service. Employees are expected to report the shortest distance between points of departure and destinations for all travel. Travel between an employee's residence and City offices is not eligible for reimbursement. See the paragraph on "Out-of-City Travel" for additional information about the use of a personal vehicle for out-of-town travel in lieu of reasonably available public transportation.

18.06 EXPENSE REPORT

As soon as an employee returns from a trip, he or she must document all expenses incurred on the trip, including the expenses which were prepaid directly by the City to the entity involved. Meal allowances should also be documented on this form. Detailed, itemized meal receipts must be submitted. Trip receipts should be attached to the copy of the "Travel Reimbursement/Advance Request" form submitted prior to the trip and turned into the director of finance no later than two days following the employee's return. The expense report must show deduction of the amount of any cash advance given the employee. Any overage from the advance must be returned to the City. If an employee does not refund to the City any positive difference between the travel advance and the actual expenses, that amount will be deducted from the employee's next regular paycheck. The City will issue a reimbursement check to the employee for allowable out-of-pocket expenses over and above any advance. The department head and the City Manager, or his/her designee, must approve all reimbursements.

18.07 EXCEPTIONS

Employees who receive monthly automobile allowances are eligible for mileage reimbursements for out of City travel. Employees who travel in a City-owned vehicle will be reimbursed for the documented actual cost of fuel, oil, or other expenses related to the safe operation of the vehicle which were necessary during the course of the employee's use of the vehicle on official business.

When two or more employees travel in a single automobile, only one employee will receive per-mile or other automobile reimbursements.

Conference registration checks will be made payable only to the organization sponsoring the conference.

18.08 PROHIBITED EXPENDITURES

Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies;

- Dry cleaning and laundry;
- Health club and spas;
- Expenses of a spouse;
- Social activities;
- Traffic citations;
- Alcoholic beverages;
- Illegal activities; and
- Other items of a personal nature.

18.09 COMPLIANCE

Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

**CITY OF UNIVERSAL CITY
PURCHASING CARDHOLDER AGREEMENT**

I, _____, agree to the following regarding my use of the City of Universal City Purchasing Card:

1. _____ I understand that under no circumstances will I use the purchasing card to make personal or non-work related purchases, either for myself or for others. A personal or non-work related purchase with the intent to reimburse the City is unacceptable and shall be considered a fraudulent purchase.
2. _____ I understand that I am liable for the amount of unauthorized purchases or advances, plus any administrative fees charged by the bank in connection with the misuse and that I will be required to reimburse the City of Universal City for all costs associated with such improper use.
3. _____ I understand that I will not request or receive cash from suppliers because of exchanges or returns.
4. _____ I understand that I am the only individual authorized to use the purchasing card assigned to me. It is not transferable to any other individual.
5. _____ I understand that the City of Universal City can terminate my right to use the purchasing card at any time for any reason. I agree to return the card to my Purchasing Card Administrator immediately upon request, upon my transfer to another department, or upon my termination of employment.
6. _____ I will follow the established procedures for using the purchasing card. Failure to do so may result in either revocation of my user privileges or other possible disciplinary actions, up to and including termination of employment.
7. _____ I have reviewed the Purchasing Card Policy and understand the procedures and requirements for using the purchasing card. I understand that I cannot use the purchasing card for those goods and services listed within the "Unauthorized Purchases" section of the Purchasing Card Policies and Procedures.
8. _____ I agree that should I willfully violate the terms of this Agreement and use the purchasing card for personal use or gain that I will surrender my purchasing card and reimburse City of Universal City for all incurred charges and any fees related to the collection of those charges. I understand that I can be held personally liable to the City of Universal City for any unauthorized purchases or other misuse.

Cardholder Name (Print)

Purchasing Card Account Number

Cardholder Signature

Purchasing Card Administrator Signature

Social Security Number (last four)

Date

Department _____

Form PURCHASE POLICY 1

~~Form PURCHASE POLICY 2~~

**CITY OF UNIVERSAL CITY
PURCHASING CARD MISSING RECEIPT FORM**

I, _____, have either not received or misplaced a Purchasing Card receipt totaling \$ _____. This expense was on behalf of the City of Universal City. This form is submitted in lieu of the original receipt.

Reference Number: _____ Date: _____

Supplier Name: _____ Amount: \$ _____

Supplier Address & Telephone number: _____

Items purchased: _____

_____ (1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

I certify that the amounts shown above were expended for the City of Johns Creek business purposes.

Cardholder Signature _____ Date

P-Card Administrator Signature _____ Date

Director Signature _____ Date

Form PURCHASE POLICY 3

**CITY OF UNIVERSAL CITY
PURCHASING CARD DISPUTE FORM**

Name (Please Print) Purchasing Card Account Number

Statement Date	Reference Number	Posting Date	Transaction Date	Amount	Vendor Name

Please Check the Appropriate Box(es)

- I certify that the charges listed above were not made by me nor were the goods or services represented by the above transaction received by me.
- I do not recognize the transaction as listed above. Please inform me of the supplier name and description of goods purchased.
- The credit was listed as a sale on my statement. Enclosed is a copy of my credit memorandum.
- The amount of the sales slips was increased from \$ _____ to \$ _____. Enclosed is my copy of the sales slip prior to alteration.
- I received a price adjustment (credit slip) on the above transaction, and it has not appeared on my statement. Enclosed is a copy of my cancellation notification to the supplier.
- Although I did participate in the above transaction, goods and/or services were to be provided on (date) _____, but as of this date _____.
- Although I did participate in the transaction, it has been canceled. Enclosed is a copy of my cancellation notification to the supplier.
- Although I did make the above transaction, the goods were received damaged/unsuitable for the purpose intended (explain below). I have attempted to return the goods. I am therefore disputing the entire charge, or a portion, in the amount of \$ ____.
- Although I did engage in the above transaction, my enclosed documentation does not conform to the characterization of the item (explain below). I have attempted to return the goods. I am therefore disputing the entire charge, or a portion, in the amount of \$ ____.
- I am disputing the charges because: *(Please explain completely)*.

Signature Date

Form PURCHASE POLICY 4

<p><i>CITY OF UNIVERSAL CITY REMOTE WORK ARRANGEMENT AGREEMENT</i></p>	
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Remote work is intended to create temporary 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. This Remote Work Arrangement Agreement is established between City of Universal City's _____ Department and _____.

[Department] [Employee Printed Name]

This Agreement shall become effective June 1, 2020 and shall remain in effect indefinitely unless modified or terminated by the Department or the employee, with notification of at least two (2) business days. However, in the event of a workplace emergency, the Agreement may be suspended immediately and indefinitely.

This Agreement is subject to the employee satisfying the following conditions on a continuing basis:

1. The employee shall perform all job duties at a satisfactory performance level.
2. The employee's work schedules does not interfere with normal interactions with his/her supervisor, co-workers, or citizens/customers.
3. The employees' schedule does not adversely affect the ability of other City employees to perform their jobs.
4. The employee assures his/her accessibility to co-workers who maintain the City's regular working schedule.
5. The employees paid leave will be earned and used in the same manner as prior to this flexible work arrangement agreement and be subject to all other applicable City policies.
6. The employee maintains this agreed-upon work schedule.

All the employee's obligations and responsibilities, and terms and conditions of employment with the City remain unchanged, except those specifically changed by this Agreement. Any non-compliance with this Agreement by the employee may result in modifications or termination of the flexible work arrangement established by this Agreement.

If applicable, the employee may be provided City supplies and equipment to perform work from home. The equipment is as follows:

Hardware: _____

Software: _____

Other Supplies: _____

Flexible Work Schedule (specific workdays and times):

_____ Monday	Work Times: _____
_____ Tuesday	Work Times: _____
_____ Wednesday	Work Times: _____
_____ Thursday	Work Times: _____
_____ Friday	Work Times: _____
_____ Saturday	Work Times: _____
_____ Sunday	Work Times: _____

Comments: _____

EMPLOYEE ACKNOWLEDGEMENT & SIGNATURES

I have read and been provided with a copy of this Agreement and the City's Emergency Event Remote Work Policy. By signing below, I agree to be bound by its terms and conditions.

EMPLOYEE SIGNATURE: _____ Date: _____

DEPT. HEAD SIGNATURE: _____ Date: _____

HUMAN RESOURCES
MANAGER SIGNATURE: _____ Date: _____

CITY MANAGER SIGNATURE: _____ Date: _____

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**ACKNOWLEDGMENT OF RECEIPT OF
PERSONNEL POLICIES & PROCEDURES MANUAL**

I hereby acknowledge that I have received a copy of the Personnel Policies and Procedures Manual for the City of Universal City.

I understand that I am expected to read the entire manual and it is my responsibility to comply with the policies and procedures contained in this manual and any revisions made to it. I also understand that compliance with the policies and procedures in this manual is a condition of employment with the City of Universal City. Furthermore, I understand that disciplinary action, up to and including termination, may be taken if I am found in violation of these policies and procedures.

I understand that this form will be retained in my personnel file.

Employee's Name - Printed

Signature of Employee

Date

CITY OF UNIVERSAL CITY

Date: 01/16/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: Award Construction Contract for the Olympia Hills Flooring, Bathroom Renovations and Interior Finishes

Historical Background

In July 2023, the City engaged in a Professional Service Contract with Villa Park Architects for the design, bid, and project management of the flooring, restroom renovations, and interior finishes at the Olympia Hills Golf Course and Event Center. 08 November 2023, staff provided Council with probable estimated cost of \$225,000 for the project and received Council consensus to move forward with the formal request for bids from contractors. Villa Park Architects identified 8 potential bidders for the project. Five bidders declined to provide a bid; three written responses were received.

Action Requested

Award the bid totaling \$234,979.00 to Joeris and authorize the City Manager to execute the construction documents.

Procurement Methodology

The City's purchasing policy requires at least three written bids for all purchases over \$50,000. The Villa Park Architects solicited bids for bids and received a total of three (3) responsive bids with Joeris as the lowest responsive and substantially complete bidder. Please reference attached bid tabulation sheet.

Source and Amount of Funding

2024 Budget. Golf Course Revenue: Venue Tax--\$550,000

Staff Recommendation

Staff recommends approval of the substantially complete bid in the amount of \$ 234,979.00 to Joeris for the Olympia Hills flooring, bathroom renovations, and interior finishes.

**Olympia Hills Event Center
Interior Finished & Restroom Renovations
12900 Mt. Olympus
Universal City, Texas 78148**

PROJECT:

The City of Universal City accepted bids from qualified contractors for the partial renovations of the Olympia Hills Event Center to include restrooms, complete new floor, and interior finishes of the 8, 014 SF event Center.

Potential Bidders:

Bidder	Response Rec'd	Bid Amount	Bid Status
Belco Construction	12/20/23	\$324,000.00	Substantially Complete
Joeris	12/20/23	\$234,979.00	Substantially Complete
SATEX Floors	12/18/23	\$200,740.91	Incomplete Bid*
Alpha Building Corp.	12/29/23		Declined to Bid
Drash Construction	12/5/23		Declined to Bid
Harvey-Cleary Builders	11/30/23		Declined to Bid
Metro	12/4/23		Declined to Bid
Red hawk Construction	12/20/23		Declined to Bid

*Bid did not include pricing for furniture removal and replacement, and licensed subcontractor pricing for electrical and plumbing work. Contractor does flooring only, not a General Contractor.

Lowest responsive and substantially complete bid received by Joeris in the amount of \$234,979.00.

CITY OF UNIVERSAL CITY

Date: 1/10/2024

TO: City Council

FROM: Kim M. Turner, City Manager

SUBJECT: Consider Bid Acceptance of the Olympia Hills Golf Course Holes 8 & 9 Drainage Improvements

Historical Background

Over the course of several years, the existing golf course hole 8 & 9 corrugated storm drainage pipe has deteriorated and collapsed causing eroding of the green making it a significant safety issue for the golf course. The engineering and permitting for this project have been in the planning and design phase over the past years. This project will include removing all existing underground storm drainage pipes and provide for an unrestricted drainage passage with a new low water crossing bridge for golfers like the recently completed Hole # 7 drainage improvements.

Action Requested

Award the low Base Bid totaling \$614,999.00. The cost is in line with the budget for this project. Voting in favor of this item will allow the Mayor and City Manager to execute the contract for the Olympia Hills Golf Course Drainage Improvements and proceed with project scheduling.

Procurement Methodology

The Public Works Department advertised for bids and received a total of four (6) responsive bids with Abelar Inc. as the lowest responsive responsible bidder. Please reference attached engineers' letter of recommendation and bid tabulation sheet.

Source of Funding

The Olympia Hills Golf Course Drainage Improvements funds were provided in this year's Stormwater CIP Budget for Golf Holes 8 & 9 Selma Creek Storm Drainage improvements.

Staff Recommendation

Staff is recommending approval of the low base bid in the amount of \$614,999.00 to Abelar Inc. for the Olympia Hills Golf Course Holes 8 & 9 Drainage Improvements.



January 10, 2024

Mr. Randy Luensmann
Director of Public Works
City of Universal City
265 Kitty Hawk Rd.
Universal City, TX 78148

RE: Olympia Hills Golf Course Drainage Improvements Project – Bid Award Recommendation

Dear Mr. Luensmann:

Trihydro Corporation (Trihydro) evaluated bids received on January 4, 2024, for the Olympia Hills Golf Course Drainage Improvements Project. Our evaluation included review of the Bidders' responsiveness and math calculations for each bid item and total bid price. Six bids were received as shown in the attached bid tabulation. Summarized below is the total from the apparent low bidder, Abelar, Inc. (Abelar).

- Abelar
 - Base Bid = \$614,999.00

There was one calculation error in the Abelar bid. However, the calculation error did not change the apparent low bidder and the above amount reflects the adjusted bid. Trihydro checked references and discussed the bidders understanding of the project with the bidder and find no reason to deny their bid. Therefore, Trihydro recommends award to the lowest qualified bidder, Abelar, for the Base Bid in the amount of **\$614,999.00** subject to approval by the City Council. We have also included a copy of the project area for reference. If you have questions regarding our evaluation, please feel free to contact me.

Sincerely,
Trihydro Corporation

A handwritten signature in blue ink, appearing to read "J. Vreeland", is written over a light blue horizontal line.

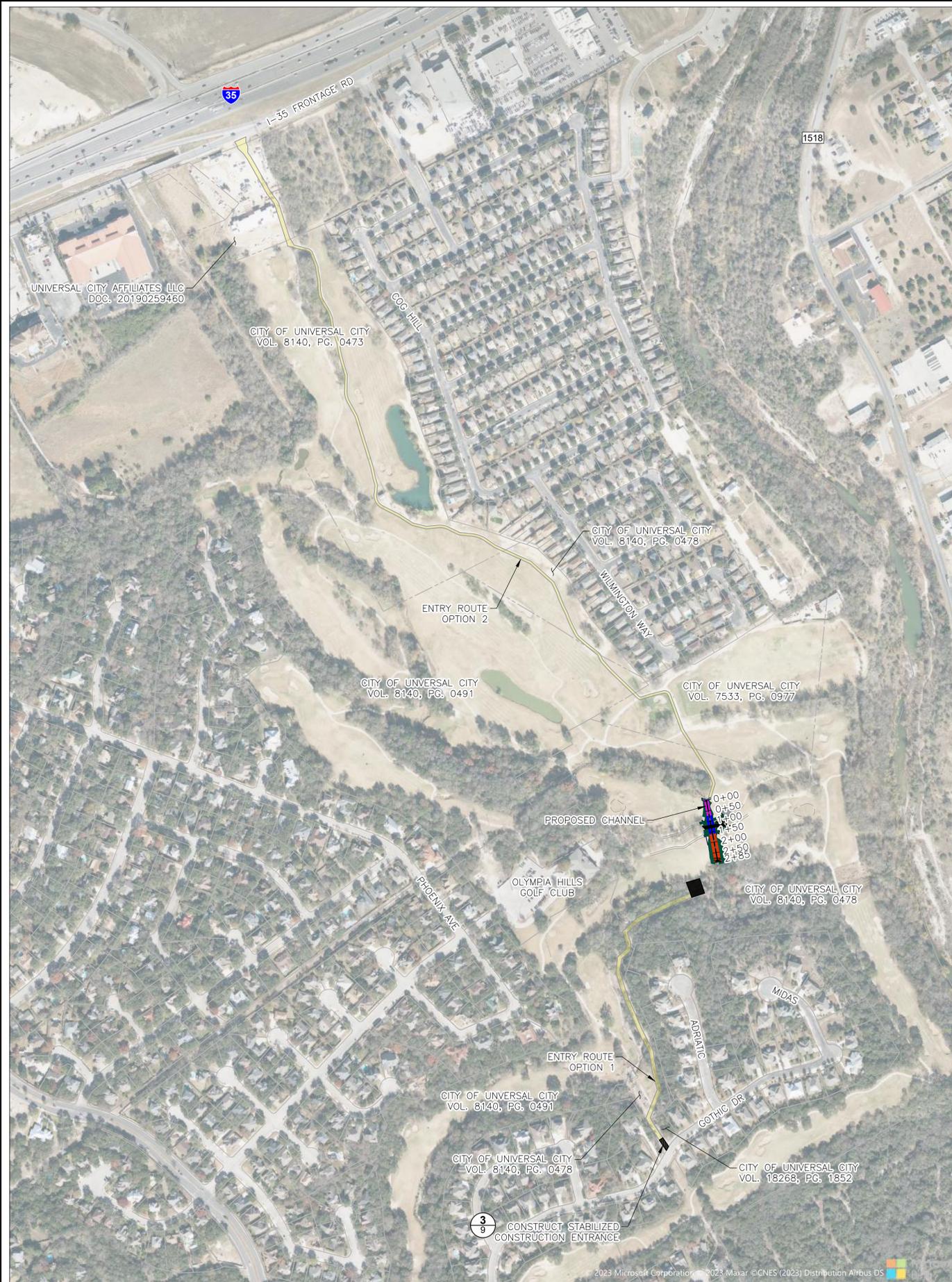
Jason Vreeland, P.E.
Project Manager

609-412-000

Bid Tabulation
CITY OF UNIVERSAL CITY
OLYMPIA HILLS GOLF COURSE 2023 DRAINAGE IMPROVEMENTS
Bid Opening 01/04/2024 2:00 PM

				Engineer's Estimate		Abelar, Inc.		D&D Contractors, Inc.		Jerdon Enterprise, L.P.		C-3 Environmental Specialties, LP		Dalrymple Gravel & Contracting Co., Inc.		J3 Company, LLC	
ITEM	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
BASE BID																	
1	BONDING, MOBILIZATION, AND INSURANCE	LS	1	\$ 118,000.00	\$ 118,000.00	\$ 68,896.00	\$ 68,896.00	\$ 60,203.33	\$ 60,203.33	\$ 114,775.00	\$ 114,775.00	\$ 68,640.00	\$ 68,640.00	\$ 125,000.00	\$ 125,000.00	\$ 100,000.00	\$ 100,000.00
2	CLEARING AND GRUBBING	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ 7,391.32	\$ 7,391.32	\$ 69,700.00	\$ 69,700.00	\$ 9,190.00	\$ 9,190.00	\$ 15,000.00	\$ 15,000.00	\$ 12,000.00	\$ 12,000.00
3	ROLL SOD	SY	1,159	\$ 33.00	\$ 38,247.00	\$ 18.00	\$ 20,862.00	\$ 12.61	\$ 14,614.99	\$ 15.00	\$ 17,385.00	\$ 10.75	\$ 12,459.25	\$ 10.00	\$ 11,590.00	\$ 12.00	\$ 13,908.00
4	HYDROSEEDING	SY	912	\$ 14.00	\$ 12,768.00	\$ 3.00	\$ 2,736.00	\$ 2.19	\$ 1,997.28	\$ 7.75	\$ 7,068.00	\$ 1.65	\$ 1,504.80	\$ 1.00	\$ 912.00	\$ 3.00	\$ 2,736.00
5	SHOREFLEX EROSION CONTROL	SY	380	\$ 104.00	\$ 39,520.00	\$ 40.00	\$ 15,200.00	\$ 81.50	\$ 30,970.00	\$ 76.00	\$ 28,880.00	\$ 107.00	\$ 40,660.00	\$ 50.00	\$ 19,000.00	\$ 120.00	\$ 45,600.00
6	UNCLASSIFIED EXCAVATION AND SOIL DISPOSAL	CY	2,198	\$ 34.00	\$ 74,732.00	\$ 50.00	\$ 109,900.00	\$ 32.09	\$ 70,533.82	\$ 33.50	\$ 73,633.00	\$ 63.50	\$ 139,573.00	\$ 45.00	\$ 98,910.00	\$ 75.00	\$ 164,850.00
7	NORTH WINGWALL	LS	1	\$ 7,750.00	\$ 7,750.00	\$ 3,000.00	\$ 3,000.00	\$ 5,593.66	\$ 5,593.66	\$ 5,600.00	\$ 5,600.00	\$ 5,700.00	\$ 5,700.00	\$ 5,000.00	\$ 5,000.00	\$ 20,000.00	\$ 20,000.00
8	SOUTH WINGWALL	LS	1	\$ 3,250.00	\$ 3,250.00	\$ 7,000.00	\$ 7,000.00	\$ 11,000.06	\$ 11,000.06	\$ 9,100.00	\$ 9,100.00	\$ 11,300.00	\$ 11,300.00	\$ 10,000.00	\$ 10,000.00	\$ 30,000.00	\$ 30,000.00
9	LIMESTONE BLOCKS (2-BLOCK)	LF	320	\$ 300.00	\$ 96,000.00	\$ 90.00	\$ 28,800.00	\$ 173.26	\$ 55,443.20	\$ 185.00	\$ 59,200.00	\$ 255.00	\$ 81,600.00	\$ 215.00	\$ 68,800.00	\$ 440.00	\$ 140,800.00
10	LIMESTONE BLOCKS (3-BLOCK)	LF	250	\$ 450.00	\$ 112,500.00	\$ 160.00	\$ 40,000.00	\$ 242.62	\$ 60,655.00	\$ 282.00	\$ 70,500.00	\$ 375.00	\$ 93,750.00	\$ 360.00	\$ 90,000.00	\$ 720.00	\$ 180,000.00
11	OVERFLOW BLOCKS (1-BLOCK)	LF	410	\$ 125.00	\$ 51,250.00	\$ 80.00	\$ 32,800.00	\$ 107.39	\$ 44,029.90	\$ 58.00	\$ 23,780.00	\$ 108.00	\$ 44,280.00	\$ 75.00	\$ 30,750.00	\$ 200.00	\$ 82,000.00
12	BRIDGE - 30' x 12' PREFABRICATED STEEL (COMPLETE)	LS	1	\$ 164,000.00	\$ 164,000.00	\$ 65,000.00	\$ 65,000.00	\$ 155,275.13	\$ 155,275.13	\$ 136,600.00	\$ 136,600.00	\$ 126,000.00	\$ 126,000.00	\$ 215,000.00	\$ 215,000.00	\$ 200,000.00	\$ 200,000.00
13	CONCRETE FOOTING (NATURAL AGGREGATE)	CY	146	\$ 657.00	\$ 95,922.00	\$ 781.00	\$ 114,026.00	\$ 951.17	\$ 138,870.82	\$ 529.00	\$ 77,234.00	\$ 503.00	\$ 73,438.00	\$ 600.00	\$ 87,600.00	\$ 1,000.00	\$ 146,000.00
14	CONCRETE CART PATH (NATURAL AGGREGATE)	SY	93	\$ 136.00	\$ 12,648.00	\$ 120.00	\$ 11,160.00	\$ 148.07	\$ 13,770.51	\$ 104.00	\$ 9,672.00	\$ 112.00	\$ 10,416.00	\$ 185.00	\$ 17,205.00	\$ 110.00	\$ 10,230.00
15	DEMOLITION	LS	1	\$ 6,420.00	\$ 6,420.00	\$ 35,124.00	\$ 35,124.00	\$ 13,257.96	\$ 13,257.96	\$ 14,900.00	\$ 14,900.00	\$ 35,375.00	\$ 35,375.00	\$ 50,000.00	\$ 50,000.00	\$ 40,000.00	\$ 40,000.00
16	TEMPORARY EROSION, SEDIMENTATION, AND WATER POLLUTION PREVENTION CONTROL	LS	1	\$ 38,300.00	\$ 38,300.00	\$ 35,000.00	\$ 35,000.00	\$ 3,937.85	\$ 3,937.85	\$ 20,700.00	\$ 20,700.00	\$ 12,300.00	\$ 12,300.00	\$ 20,000.00	\$ 20,000.00	\$ 15,000.00	\$ 15,000.00
17	IRRIGATION SYSTEM REPAIR	LS	1	\$ 30,000.00	\$ 30,000.00	\$ 6,000.00	\$ 6,000.00	\$ 3,856.77	\$ 3,856.77	\$ 16,290.00	\$ 16,290.00	\$ 3,375.00	\$ 3,375.00	\$ 5,000.00	\$ 5,000.00	\$ 15,000.00	\$ 15,000.00
18	STONE RIPRAP	CY	29	\$ 211.00	\$ 6,119.00	\$ 155.00	\$ 4,495.00	\$ 114.07	\$ 3,308.03	\$ 250.00	\$ 7,250.00	\$ 278.00	\$ 8,062.00	\$ 215.00	\$ 6,235.00	\$ 300.00	\$ 8,700.00
TOTAL BASE BID					\$ 917,426.00		\$ 614,999.00		\$ 694,709.63		\$ 762,267.00		\$ 777,623.05		\$ 876,002.00		\$ 1,226,824.00

*Bid amounts in red have been corrected by Engineer



1 PROJECT MAP VIEW 1
SCALE: 1" = 300'



2 PROJECT MAP VIEW 2
SCALE: 1" = 60'



NOTE:
ALL DISTURBED AREAS OUTSIDE OF FAIRWAYS ARE TO BE HYDROSEEDED UPON PROJECT COMPLETION.

ISSUE FOR BID

WARNING
IF THIS BAR DOES NOT MEASURE 1" IN LENGTH THEN DRAWING IS NOT AT INTENDED SCALE

REV.	DATE	DESCRIPTION
1	11/16/2023	ISSUE FOR BID



DRAWN BY: JDM
DESIGNED BY: CNR
CHECKED BY: JV
SCALE: AS SHOWN
DATE: 11/16/2023
PR. NO: 609-412-000
FILE: 609-412-000-04



PROJECT MAP
OLYMPIA HILLS GOLF COURSE
2023 DRAINAGE IMPROVEMENTS
CITY OF UNIVERSAL CITY
UNIVERSAL CITY, TX

CITY OF UNIVERSAL CITY

Date: 11/21/2023

TO: City Council
FROM: Kim M. Turner, City Manager
SUBJECT: Discuss Implementing a Councilmember Message Board

Historical Background

SB 1297 is a Texas law that allows city councils to use online message boards to discuss public business. The law was passed in 2013 and is intended to increase transparency and accountability in government. The law does not require city councils to use message boards, but it provides an option for those councils that wish to do so.

If a city chooses to operate an online message board, the communication must:

1. Be in writing and not include any vote or action
2. Viewable and searchable by the public
3. Displayed in real time and for no less than 90 days online
4. Retained by the city for 6 years

When trying to find examples of online message boards, staff looked at 60 Texas cities comparable in population to determine if and how they use their message boards. Of the 60 cities researched (population 16,975-25,566), none host a council online message board. Additionally, none of the surrounding cities host a council online message board (Converse, Schertz, Live Oak, Cibolo, Selma, Windcrest).

Below are cities in Texas that were found to have an online council message board:

City	Population	Active Since	# of Threads	# of Messages	Message Board Link
Mineral Wells	15,173	2016 (Currently Inactive)	1	0	Click Here
Austin	964,177	2014	1,457	362	Click Here
San Marcos	68,580	2021	1,800	3,000	Click Here
Castroville*	3,005	Unknown (Currently Inactive)	0	0	Click Here
Lytle*	2,965	May 2023	1	0	Click Here
Rollingwood	1,440	January 2023	7	14	Click Here

*indicates CivicPlus Community Voice Module

In evaluating the threads, messages, and views from other cities as well as speaking with staff members from the cities who have implemented online message boards, only a small percentage of their populations are viewing the online message board and council participation is sparse and tends to be the same one or two council members participating.

Action Requested

This is a discussion item only. No action is required at this time. If action on this item is requested in the future, Council may consider adopting clear policies and procedures for the use of the message board.

Procurement Methodology

This purchase does not require formal bidding because it is less than the \$50,000 threshold. The subscription or module cost to host the online message board ranges from \$700 to \$3,600 annually, depending on what vendor and what features are purchased. That does not take into consideration the cost of staff time to manage, monitor, and respond. Depending on server capacity, an additional server may be necessary to meet the retainage requirements.

Source and Amount of Funding

This item is currently not budgeted at this time.

Staff Recommendation

Staff does not have a recommendation. However, staff asks that City Council consider the following:

- The amount of staff time and resources to post, monitor, manage, and respond to the message board threads.
- The potential for councilmember or staff provocation or posting of misinformation.
- The potential for one council or staff member to be more vocal than others, giving an unfair advantage in the decision-making process or a bias in the court of public opinion. Currently, the Mayor acts as parliamentarian to ensure that all council members have an equal opportunity to be heard. How would that be monitored or controlled on the message board?

Councilmember Bulman requested item:
TAB G

Discuss Posting Candidate Packets on the City Website Upon Receipt.



To: City Council

From: Kim M. Turner, City Manager

Kristin Mueller, Economic Development Director

Date: January 8, 2024

RE: **Resolution 966:** A resolution authorizing a project, which will facilitate the promotion and development of new or expanded commercial development, and which was approved by the Board of Directors Of The Universal City Economic Development Corporation On January 11, 2024; and, providing an effective date.

Historical Background

Dania Contreras and Karina Henriquez are the co-owners of Mall-Litto, a new thrift store located at 12000 E. Loop 1604 N, Suite 112.

This is their first storefront location. They have submitted a Storefront Improvement Application requesting financial assistance from the EDC for the purchase and installation of signage.

The sign project will consist of a custom 36" channel letter sign for the storefront, as well as pylon faces for the two shopping center multitenant signs.

They would like to use TSW Grafix and the estimated cost of the project is \$8,118.75. The EDC has budgeted \$100,000 for the Storefront Improvement Program for FY23-24 and has already committed \$34,225 (\$65,775 remaining).

Action Requested

Consider Resolution 966, authorizing the EDC's performance agreement with Mall-Litto.

Staff Recommendation

Staff will make recommendation at the City Council meeting as the EDC had not yet considered this item at the time the City Council Agenda Packet was published. The EDC will consider this item at their Thursday, January 11, 2024 Regular Meeting.

**RESOLUTION NO. 966
2024-1**

A RESOLUTION AUTHORIZING A PROJECT, WHICH WILL FACILITATE THE PROMOTION AND DEVELOPMENT OF NEW OR EXPANDED COMMERCIAL DEVELOPMENT, AND WHICH WAS APPROVED BY BOARD OF DIRECTORS OF THE UNIVERSAL CITY ECONOMIC DEVELOPMENT CORPORATION ON 11 JANUARY 2024; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Universal City Economic Development Corporation (the "Corporation") on January 11, 2024 by Resolution No. R-2024-1, and pursuant to Texas Local Government Code Subtitle C1, including Section 505.158, thereto, approved a Performance Agreement with Mall-Lito to add storefront signage for the promotion and development of new or expanded commercial enterprises and the creation of jobs; and,

WHEREAS, pursuant to Texas Local Government Code Sections 501.073 and 505.158(b) City Council finds the Project should be authorized.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF UNIVERSAL CITY, TEXAS THAT:

SECTION 1. The findings set out above are hereby found to be true and correct and are incorporated herein for all purposes.

SECTION 2. As required by Texas Local Government Code Sections 501.073 and 505.158(b), City Council hereby authorizes the Project as describe in the Universal City Economic Development Corporation's Resolution No. R-2024-1 (12000 E. Loop 1604 N, Suite 112).

DULY RESOLVED, PASSED AND ADOPTED by the City Council of Universal City, on second reading on this 7th day of February 2024.

CITY OF UNIVERSAL CITY, TEXAS
APPROVED:

John Williams, Mayor

ATTEST:

Maribel Garcia, Deputy City Clerk

TO: EDC

FROM: Kristin Mueller, Economic Development Director

DATE: 11 January 2024

SUBJECT: RESOLUTION NO. 2024-1

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNIVERSAL CITY ECONOMIC DEVELOPMENT CORPORATION APPROVING THE PERFORMANCE AGREEMENT WITH MALL-LITTO FOR AN ECONOMIC DEVELOPMENT INCENTIVE IN EXCHANGE FOR THE IMPROVEMENT OF A COMMERCIAL ZONED STRUCTURE(S) LOCATED AT 12000 E. LOOP 1604, SUITE 112; AUTHORIZING ALL NECESSARY ACTIONS, INCLUDING EXECUTION OF NECESSARY DOCUMENTATION; AND, PROVIDING AN EFFECTIVE DATE.

Dania Contreras and Karina Henriquez are the co-owners of Mall-Litto, a new thrift store located at 12000 E. Loop 1604 N, Suite 112.

This is their first storefront location. They have submitted a Storefront Improvement Application requesting financial assistance from the EDC for the purchase and installation of signage.

The sign project will consist of a custom 36" channel letter sign for the storefront, as well as pylon faces for the two shopping center multitenant signs.

They would like to use TSW Grafix and the estimated cost of the project is \$8,118.75.

RESOLUTION NO. 2024-1
12000 E. Loop 1604 # 112

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNIVERSAL CITY ECONOMIC DEVELOPMENT CORPORATION APPROVING THE PERFORMANCE AGREEMENT WITH MALL-LITTO FOR AN ECONOMIC DEVELOPMENT INCENTIVE IN EXCHANGE FOR THE IMPROVEMENT OF A COMMERCIAL ZONED STRUCTURE(S) LOCATED AT 12000 E LOOP 1604 #112; AUTHORIZING ALL NECESSARY ACTIONS, INCLUDING EXECUTION OF NECESSARY DOCUMENTATION; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Universal City Economic Development Corporation (the "Corporation") is a public instrumentality and non-profit economic development corporation duly established and operating under Local Government Code, Chapters 501 and 505, *et seq.*, as amended, known as the Development Corporation Act of 1979 (the "Act"), and is acting with the approval of the governing body of the City of Universal City, Texas (the "City"); and,

WHEREAS, the Board finds, pursuant to Texas Local Government Code Subtitle C1, including Section 505.155, thereto, that improvement of an existing commercial structure is a required and suitable project for the promotion and development of a new or expanded commercial enterprises; and

WHEREAS, the Board finds the development of the Project may be best facilitated by entering into a Performance Agreement, as authorized by Texas Local Government Code Section 501.158, and the creation of jobs; and

WHEREAS, the Board finds it to be fair and equitable to reimburse Mall-litto for a portion of the improvement costs after all permits have been closed by the City's Development Services Department; and

WHEREAS, as provided in the Performance Agreement the economic development incentive shall be reimbursed to the property owners after the renovation project has been completed and all permits closed out.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE UNIVERSAL CITY INDUSTRIAL DEVELOPMENT CORPORATION THAT:

SECTION 1. The findings set out above are hereby found to be true and correct and are incorporated herein for all purposes.

SECTION 2. The Performance Agreement, and attachments thereto including but not limited to the Unimproved Property Contract, is hereby approved in substantial form as Attachment "A" attached hereto and incorporated herein by reference for all purposes.

SECTION 3. Dick Crow, in his capacity as the President of the Universal City Economic Corporation, is hereby authorized and directed to take actions, including the execution of contracts that are in substantial form as Exhibit "A" and contract and all other agreements, instruments or documents, reasonably necessary to facilitate the purpose of this Resolution.

SECTION 5. This Resolution is effective upon passage.

DULY RESOLVED AND ADOPTED by the Board of Directors of the Universal City Economic Development Corporation, this 11th day of January 2024.

UNIVERSAL CITY ECONOMIC
DEVELOPMENT CORPORATION

Richard “Dick” Crow, President

ATTEST:

Roland Hinojosa, Corporate Secretary

PERFORMANCE AGREEMENT

This Agreement is by and between the UNIVERSAL CITY ECONOMIC DEVELOPMENT CORPORATION, hereinafter referred to as “UCEDC”, a Texas Corporation, and between Mall-litto, hereinafter referred to as “Contracting Parties”, is as follows:

WITNESSETH

WHEREAS on the 11th day of January 2024, Contracting Parties made application to the UCEDC for assistance in accomplishing an economic development improvement project for its property located in Universal City, Texas, a copy of which is attached hereto and marked Exhibit “A” and incorporated herein for all purposes; and

WHEREAS the UCEDC has considered the same and is of the opinion that a grant should be made, conditioned upon certain agreements of the parties; and

WHEREAS the Contracting Parties has agreed to all of the conditions as hereinafter set forth.

NOW, THEREFORE, the parties agree as follows:

ARTICLE I REPRESENTATIONS AND WARRANTIES

1.1 Representations of Contracting Party. Contracting Parties are individuals and corporations and hereby make the following representations, warranties, and covenants to Universal City and the UCEDC as of the Effective Date:

- (a) Authorization. The execution, delivery, and performance by Contracting Parties of this Agreement will not result in the breach of or constitute a default under any loan or credit agreement, or other material agreement to which Contracting Parties is a party or by which Contracting Parties or its material assets may be bound or affected. The execution of this Agreement by Contracting Parties does not require any consent or approval that has not been obtained, including without limitation the consent or approval of any Governmental Authority.
- (b) Enforceable Obligations. All documents executed by Contracting Parties pursuant hereto, and all obligations of Contracting Party hereunder and thereunder are enforceable against Contracting Parties in accordance with their respective terms, except as such enforcement may be limited by bankruptcy, insolvency, reorganization, or other similar laws affecting the enforcement of creditor's rights generally, and by general equity principles regardless of whether such enforcement is considered in a proceeding in equity or at law).
- (c) No Legal Bar. The execution and delivery of this Agreement and the performance of its obligations hereunder by Contracting Parties will not conflict with any provision of any law, regulations, or Governmental Rules to which Contracting Parties are subject or conflict with, or result in a breach of, or constitute a default under any of the terms, conditions or provisions of any agreement or instrument to which Contracting Parties are a party or by

which it is bound or any order or decree applicable to Contracting Parties.

- (d) Litigation. There are no legal actions or proceedings pending or, to the knowledge of Contracting Parties, threatened against Contracting Parties which, if adversely determined, would materially and adversely affect the ability of Contracting Parties to fulfill its obligations under this Agreement or the financial condition, business, or financial or business prospects of Contracting Parties.
- (e) Documents. All documents made available by Contracting Parties to Universal City and the UCEDC including without limitation all financial documents relating to Contracting Party are true, correct, and complete copies of the instruments which they purport to be and accurately depict the subject matter addressed therein.
- (f) Knowledge. Contracting Parties have no knowledge of any facts or circumstances which currently evidence, or with the passage of time would evidence, that any of the representations made by Contracting Parties under this Agreement are in any way inaccurate, incomplete, or misleading.

1.2 **Disclaimer.** CONTRACTING PARTIES ACKNOWLEDGES THAT, EXCEPT FOR UNIVERSAL CITY'S AND THE UCEDC'S EXPRESS REPRESENTATIONS AND WARRANTIES CONTAINED WITHIN THIS AGREEMENT, IF ANY, NEITHER UNIVERSAL CITY, THE UCEDC, NOR ANY EMPLOYEE, OFFICER, ELECTED OFFICIAL, REPRESENTATIVE, OR AGENT OF UNIVERSAL CITY OR THE UCEDC, NOR ANY RELATED PARTY OF UNIVERSAL CITY OR THE UCEDC, HAS MADE ANY REPRESENTATION OR WARRANTY WHATSOEVER (WHETHER EXPRESS OR IMPLIED) REGARDING THE SUBJECT MATTER OF THIS AGREEMENT, OTHER THAN THE EXPRESS REPRESENTATIONS AND WARRANTIES CONTAINED IN THIS AGREEMENT, IF ANY.

1.3 The Contracting Parties agree to all the terms and conditions of UCEDC Economic Development Improvement Program to the satisfaction of the UCEDC in the UCEDC's sole discretion.

1.4 The Contracting Parties agree to all terms and conditions of UCEDC Economic Development Improvement Program as outlined in the application as well as the program itself.

1.5 The Contracting Parties agree to comply in all things with the Texas Local Government Code Section §501.158 and Texas Local Government Code Sections §2264.051, §2264.052 and §2264.053.

1.6 The Contracting Parties represent and warrant to the UCEDC that the following is a schedule of additional payroll or jobs to be created or retained and capital investment to be made as a condition of receiving the consideration agreed to:

The UCEDC will reimburse after all permits have been closed out up to \$_____ for the project at 12000 E. Loop 1604 #112 provided Mall-litto spend \$8,120 on signage for the existing structure(s) at 12000 E. Loop 1604 #112 and agrees not to hire any undocumented workers.

1.7 The UCEDC and Contracting Parties represent and warrant to the UCEDC that it does not now nor will it knowingly employ an undocumented worker.

1.8 The Contracting Parties further agrees that after receiving said assistance from the UCEDC if the business, a branch, division or department of the business is convicted of a violation under 8 USC Section §1324(a)(f), the Contracting Parties shall repay the amount of the grant, with interest, at the rate and according to the other terms provided by an agreement under Section §2264.053 of the Texas Local Government Code, not later than the 120th day after the date the UCEDC notifies the business of the violation.

1.9 The parties additionally agree that in compliance with Section §2264.055 of the Texas Local Government Code, the Contracting Parties shall pay interest on the grant money at the rate of six percent (6%) per annum compounded annually in addition to refunding the money as set forth above.

ARTICLE II INDEMNIFICATION, ATTORNEYS' FEES, AND OTHER REMEDIES

2.1 CONTRACTING PARTIES COVENANT AND AGREE TO FULLY INDEMNIFY AND HOLD HARMLESS UNIVERSAL CITY, THE UCEDC, AND THE ELECTED OFFICIALS, EMPLOYEES, OFFICERS, DIRECTORS, VOLUNTEERS, REPRESENTATIVES, AND AGENTS OF UNIVERSAL CITY AND THE UCEDC (COLLECTIVELY, THE "INDEMNIFIED PARTIES"), INDIVIDUALLY OR COLLECTIVELY, FROM AND AGAINST ANY AND ALL COSTS, CLAIMS, LIENS, DAMAGES, LOSSES, EXPENSES, FEES, FINES, PENALTIES, PROCEEDINGS, ACTIONS, DEMANDS, CAUSES OF ACTION, LIABILITIES, AND SUITS OF ANY KIND AND NATURE, INCLUDING BUT NOT LIMITED TO, PERSONAL OR BODILY INJURY, DEATH AND PROPERTY DAMAGE, MADE UPON THE INDEMNIFIED PARTIES, DIRECTLY OR INDIRECTLY ARISING OUT OF, RESULTING FROM, OR RELATED TO CONTRACTING PARTY'S ACTIVITIES UNDER THIS AGREEMENT, INCLUDING ANY ACTS OR OMISSIONS OF CONTRACTING PARTY, ANY AGENT, OFFICER, DIRECTOR, REPRESENTATIVE, EMPLOYEE, CONSULTANT, CONTRACTOR, OR SUBCONTRACTOR OF CONTRACTING PARTY, AND THEIR RESPECTIVE OFFICERS, AGENTS, EMPLOYEES, DIRECTORS, AND REPRESENTATIVES, WHILE IN THE EXERCISE OR PERFORMANCE OF THE RIGHTS OR DUTIES UNDER THIS AGREEMENT, ALL WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO UNIVERSAL CITY AND THE UCEDC UNDER TEXAS LAW AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW. THE PROVISIONS OF THIS INDEMNIFICATION ARE SOLELY FOR THE BENEFIT OF THE INDEMNIFIED PARTIES AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY. CONTRACTING PARTY SHALL PROMPTLY ADVISE UNIVERSAL CITY AND THE UCEDC IN WRITING OF ANY CLAIM OR DEMAND AGAINST THE INDEMNIFIED PARTIES OR CONTRACTING PARTY KNOWN TO CONTRACTING PARTIES AND RELATED TO OR ARISING OUT OF CONTRACTING PARTY'S ACTIVITIES UNDER THIS AGREEMENT AND SHALL SEE TO THE INVESTIGATION AND DEFENSE OF SUCH CLAIM OR DEMAND AT CONTRACTING PARTY'S COST. THE INDEMNIFIED PARTIES SHALL HAVE THE RIGHT, AT THEIR OPTION AND AT THEIR OWN EXPENSE, TO PARTICIPATE IN SUCH DEFENSE WITHOUT RELIEVING CONTRACTING PARTY OF ANY OF ITS OBLIGATIONS UNDER THIS PARAGRAPH. CONTRACTING PARTIES FURTHER AGREE TO DEFEND, AT THIER OWN EXPENSE AND ON BEHALF OF THE INDEMNIFIED PARTIES AND IN THE NAME OF THE APPLICABLE INDEMNIFIED PARTY, ANY CLAIM OR LITIGATION BROUGHT AGAINST THE INDEMNIFIED PARTIES IN CONNECTION WITH ANY SUCH INJURY, DEATH, OR

DAMAGE FOR WHICH THIS INDEMNITY SHALL APPLY, AS SET FORTH ABOVE. CONTRACTING PARTY'S OBLIGATIONS UNDER THIS SUBSECTION SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.

2.2 Independent Operator. It is expressly understood and agreed that Contracting Parties are and shall be deemed to be an independent operator responsible to Universal City and the UCEDC for its respective acts or omissions and that Universal City and the UCEDC shall in no way be responsible therefore.

2.3 Attorneys' Fees and Expenses. In the event that Contracting Parties should default under any of the provisions of this Agreement and Universal City or the UCEDC should employ attorneys or incur other expenses for the collection of the payments due under this Agreement or the enforcement of performance or observance of any obligation or agreement on the part of Contracting Parties herein contained, Contracting Parties agree to pay to Universal City and the UCEDC reasonable fees of such attorneys and such other expenses so incurred by Universal City and the UCEDC.

2.4 Non-Waiver of Remedies. No remedy herein conferred upon or reserved to Universal City or the UCEDC is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

2.5 Waiver of Consequential Damages. Contracting Parties waive all present and future claims for consequential damages against Universal City and the UCEDC and the appointed or elected officials, members, agents, employees, officers, directors, and representatives of Universal City and the UCEDC arising from or related to this Agreement, and such waiver shall survive any termination of this Agreement.

2.6 Release of Existing Claims. CONTRACTING PARTIES, ON BEHALF OF ITSELF AND ITS MEMBERS, MANAGERS, OFFICERS, AND DIRECTORS HEREBY RELEASES ANY AND ALL CURRENTLY EXISTING CLAIMS OF EVERY KIND OR CHARACTER WHICH CONTRACTING PARTIES HAVE OR MAY HAVE UNDER OR PURSUANT TO THIS AGREEMENT AGAINST UNIVERSAL CITY, THE UCEDC, OR THEIR RESPECTIVE APPOINTED OR ELECTED OFFICIALS, MEMBERS, AGENTS, EMPLOYEES, OFFICERS, DIRECTORS, AND REPRESENTATIVES, INDIVIDUALLY AND COLLECTIVELY.

ARTICLE III MISCELLANEOUS

3.1 Binding Agreement; Assignment. The terms and conditions of this Agreement are binding upon the successors and permitted assigns of the Parties hereto. This Agreement may not be assigned by Contracting Parties without the prior written consent of Universal City and the UCEDC.

3.2 No Joint Venture. It is acknowledged and agreed by the Parties that the terms hereof are not intended to, and shall not be deemed to, create a partnership or joint venture among the Parties.

3.3 The parties further agree that this agreement shall be performed in conformance with the laws of the State of Texas and shall be performable in Bexar County, Texas.

3.4 The parties further agree that this Agreement shall be binding upon the respective parties, their successors, assigns, heirs and administrators.

**UNIVERSAL CITY ECONOMIC
DEVELOPMENT CORPORATION:**

CONTRACTING PARTIES:

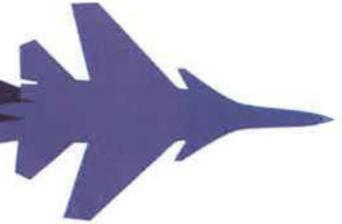
BY: _____
Richard "Dick" Crow
UCEDC President

Mall-Litto
Dania Contreras, Owner
Karina Henriquez Owner

DATE: _____

DATE: _____

APPLICATION



PARTICIPANT

Name: Dania Contreras - Karina Henriquez

Building Owner (s)

Tenant

Premier Alamo Investment Group Dania Contreras
Amir Mithani Karina Henriquez

Daytime Phone #

or

Email

Mallitto210@gmail.com

Business Name

Mall - Litto

Business/Building Address

12000 E. LOOP #1504 # 112 Universal City
78148

Is the building owner interested in making improvements?



Yes



No

BUILDING OWNER

Name Premier Alamo Investment Group - Amir Mithani

(if partnership, corporation, etc, list each officer name and title)

Address

P.O. Box 592591 San Antonio Tx. 78259

Daytime Phone #

Does building owner have a business in the building?



Yes



No

If yes, what is the business name? _____

OTHER BUSINESSES IN BUILDING

Please list other businesses in building and check those interested in participating in the Storefront Improvement Program:

Name of Business

Name of Owner

Signatures

I have read and agree to the terms and conditions set forth above. I understand that my project will be evaluated and recommendations made as to the scope of work to be included in the Storefront Improvement Program. I understand that the submittal of this application in no way guarantees me a grant from the Universal City Industrial Development Corporation. I understand that additional information may be requested as needed. The Universal City Industrial Development Corporation reserves the right to reject any and all applications at its sole discretion.

If property is owned by a corporation, partnership, or joint venture, an individual legally authorized to represent the entity must sign below on behalf of the entity.

<u>D. Contreras</u>	<u>12-28-23</u>	<u>Amir Mithani</u>	<u>12-28-23</u>
Signature of Applicant	Date	Signature of Building Owner	Date
<u>"D. Contreras"</u>	<u>12-28-23</u>	<u>Amir Mithani</u>	<u>Owner</u>
Signature of Applicant	Date	Building Owner	Title

Checklist

- Attend Pre-Application Meeting with City Staff
- Complete Storefront Improvement Program Application
- Submit an Outline and/or Illustration of Proposed Improvements
- Submit 3 bids / quotes for project scope
- Property Owners: Show Certificate of Ownership
Or Tenants: Obtain Property Owner's Letter of Authorization
- Proof of Insurance (Contractor's responsibility when permits are obtained)
- Proof of Contractor's License (Contractor's responsibility when permits are obtained)
- Provide Two 4 x 6 Photos of existing storefront or building interior

Return the completed application, attachments, photos, and related materials to:

**Universal City Economic Development Corporation
Attn: UCEDC Storefront Improvement Program
2150 Universal City Blvd
Universal City, TX 78148**

UNIVERSAL CITY ECONOMIC DEVELOPMENT CORPORATION

Kristin Mueller, Director of Economic Development

(210) 659-0333 ext 701

DEVELOPMENT SERVICES DEPARTMENT

Michael Cassata, Development Services Director

(210) 659-0333 ext 720

PERMIT QUESTIONS, CONTRACTOR REGISTRATION, ETC.

Linda Iglehart, Administrative/Code Compliance Officer

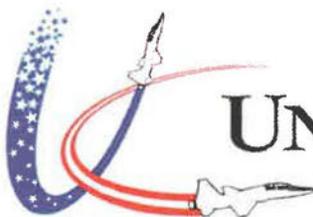
(210) 659-0333 ext 723

INSPECTIONS

(210) 659-0333 ext 444

EVALUATION OF REQUEST (FOR OFFICIAL USE ONLY)

1. Pre-Application Meeting Yes No
2. Date of site visit _____
3. Photographs taken _____
4. Orientation of property N S E W
5. Condition of structure Excellent Good Fair Poor
6. Number of stories _____
7. Exterior building materials _____
8. 3 bids/quotes for project scope Yes No
9. Other information _____



UNIVERSAL CITY

ECONOMIC DEVELOPMENT CORPORATION

www.universalcitytexas.com

EVALUATION FORM



Below is the evaluation criteria and point system that will be used to judge each of the submitted Storefront Improvement Program Projects.

EVALUATION FACTOR

SCORE

POSSIBLE POINTS

Professional Quality of Design

10

Consistency of design with business activity

20

Proposed improvements are sufficient to improve the aesthetics of the building

30

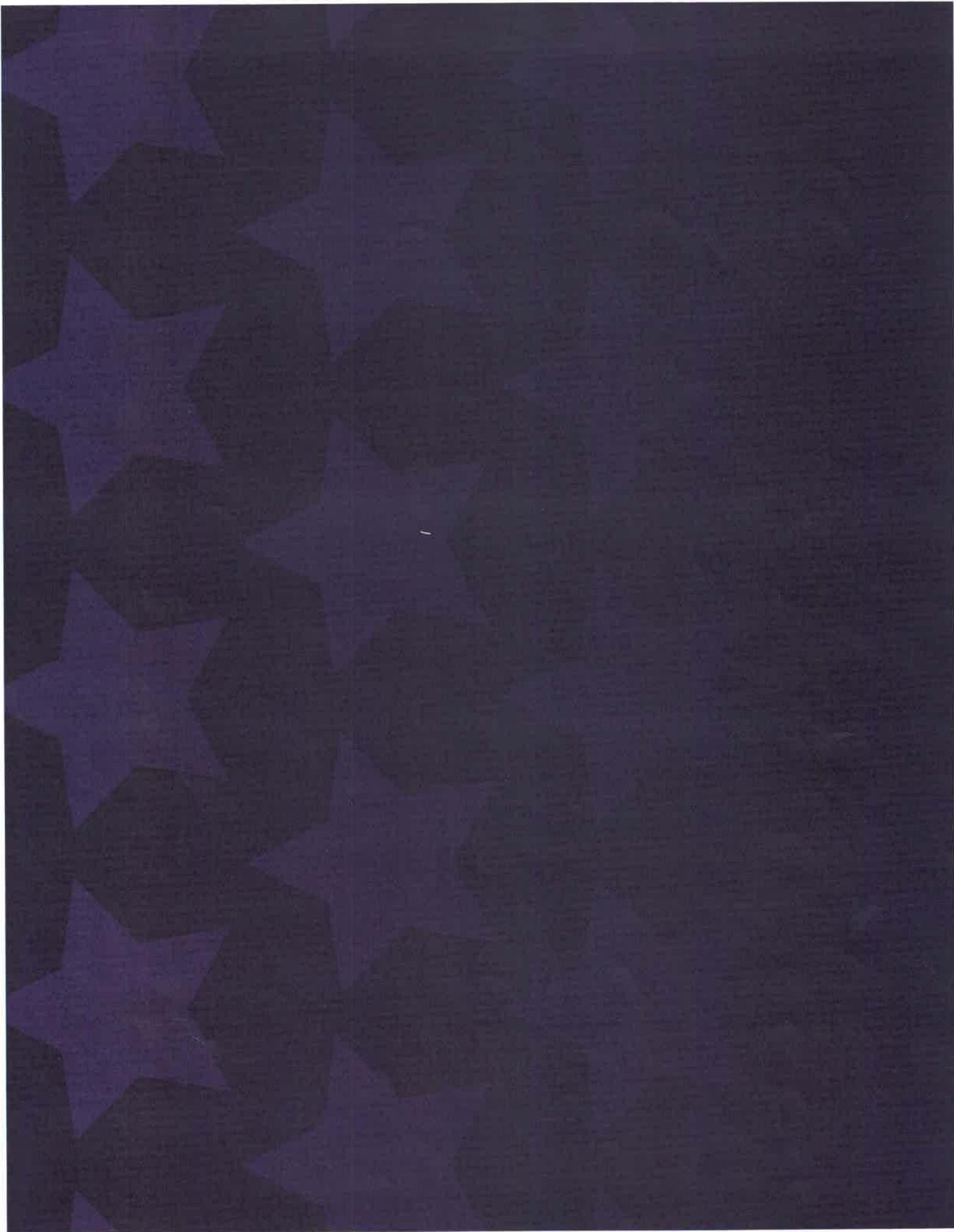
Improvement of property will significantly impact the revitalization efforts of the city

40

TOTAL SCORE

/ 100

NOTES



STOREFRONT IMPROVEMENT PROGRAM CHECKLIST

- Attend Pre-Application Meeting with City Staff**
- Complete Storefront Improvement Program Application**
- Submit an Outline and/or Illustration of Proposed Improvements**
- Submit 3 bids / quotes for project scope**
- Property Owners: Show Certificate of Ownership**
Or Tenants: Obtain Property Owner's Letter of Authorization
- Proof of Insurance (Contractor's responsibility when permits are obtained)**
- Proof of Contractor's License (Contractor's responsibility when permits are obtained)**
- Provide Two 4 x 6 Photos of existing storefront or building interior**

CONTACT INFORMATION

UNIVERSAL CITY ECONOMIC DEVELOPMENT CORPORATION
Kristin Mueller, Director of Economic Development

(210) 659-0333 ext 701

DEVELOPMENT SERVICES DEPARTMENT
Michael Cassata, Development Services Director

(210) 659-0333 ext 720

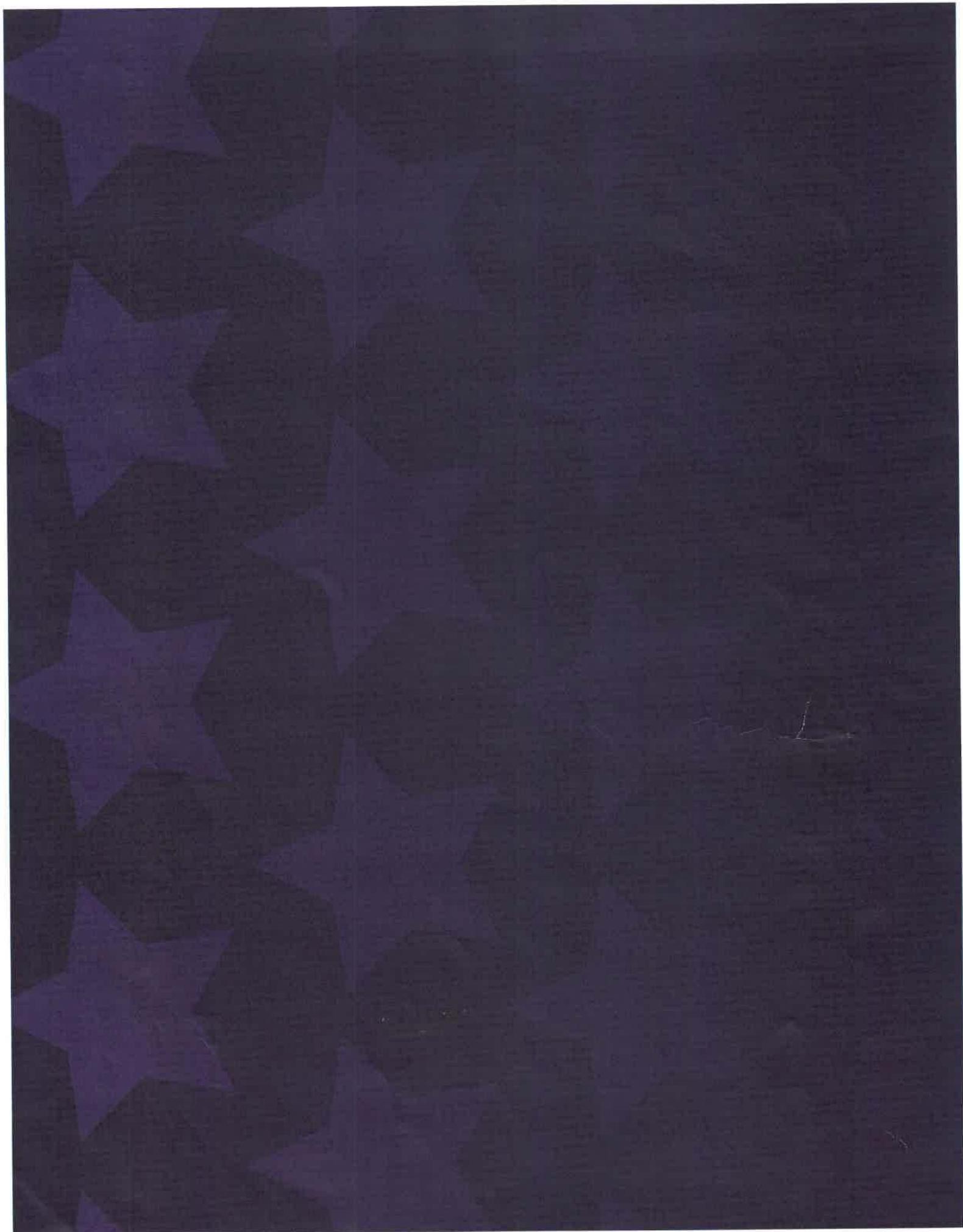
PERMIT QUESTIONS, CONTRACTOR REGISTRATION, ETC.
Linda Iglehart, Administrative/Code Compliance Officer

(210) 659-0333 ext 723

INSPECTIONS

(210) 659-0333 ext 444







New payment request from TSW GRAFIX LLC - invoice 1309

1 mensaje

TSW GRAFIX LLC <quickbooks@notification.intuit.com>
Responder a: tswgrafxllc@gmail.com
Para: dania.contreras.dc@gmail.com

mar, 26 de dic de 2023 a la hora 9:41 p. m.

INVOICE 1309 DETAILS



TSW GRAFIX LLC

DUE 01/25/2024

\$8,118.75

[Review and pay](#)

Powered by QuickBooks

Dear Dania Contreras,

We appreciate your business. Please find your invoice details here. Feel free to contact us if you have any questions.

Have a great day!
TSW GRAFIX LLC
210-910-7100

Bill to

Dania Contreras
Mall Litto Thrift Store

Terms

Net 30

Custom Signage

\$6,250.00

Create a set of channel letters to read

Mall Litto Thrift Store

individually mounted letters on a backplate with halo lighting

1 X \$6,250.00

Pylon Reface

\$1,250.00

Reface existing panels

- Measure panels
- Print translucent film for lighting
- Install at location
- 2 small faces
- 2 bigger face

1 X \$1,250.00

Tax

\$618.75

Sales Tax

1 X \$618.75

Balance due \$8,118.75

Review and pay

TSW GRAFIX LLC

647 Enrique M Barrera Pkwy TX US

tswgrafxllc@gmail.com

If you receive an email that seems fraudulent, please check with the business owner before paying.



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13111 Lookout Run,
San Antonio, 78233
Cell: 210-872-1175
Office: 210-281-8888

Date: 12/27/23

Job # 855

Rep: Bobby

email bobbyprcustomsigns@gmail.com

Quotation and Purchase Contract

Client Billing Information

Job Location

**Mall Litto
Dania**

**12000 E. Loop 1604 N. Suite 112
Universal City, TX 78148**

Phone: [REDACTED]

Specification & Estimates For:

Description	Amount
<p>Manufacture and install a set of channel letters with leds installed behind backer panels. Price includes both pylon signs.</p> <p>"See Attachment"</p> <p>A deposit of \$4,608.21 will be required at signing and the remaining balance of \$4,608.20 due when installation is completed.</p> <p>There is a 3yr warranty on vinyl and all electrical includes LABOR.</p> <p><input type="checkbox"/> Timer \$280.00 <input type="checkbox"/> Photocell \$150.00</p>	<p>\$8,514.00</p>

<ul style="list-style-type: none"> * Please Make all Checks Payable to Pedro Ramos * Out of State Taxes Are The Responsibility of the Client * An Intial Deposit is Required at Time of Contract Signing <input type="checkbox"/> The Sign Is Property Of Pr Custom Signs And Subject To Repossession Until The Contract Has Been Payed In Full. <p>Primary Electric Service And Connection To The Sign Including: Timers, Photo cells, Switches And/or Other Controls Required By Local City Ordinances Are To Be Paid At The Customers Own Expense.</p> <ul style="list-style-type: none"> * Installation Portion Of This Estimate Is Based On Adequate Access To Front And Backside Of The Installation Area. * Installation Above Ceiling Line May Require Roof Repair And Is The Responsibility Of The Client. ** This Proposal Becomes A Contract Upon Acceptance And Subject To All Terms And Conditions. 	Subtotal	\$8,514.00
	Sales Tax	\$702.41
	Permit	included
	Total	\$9,216.41

This Agreement is Accepted & Approved By:

Customer Signature: _____	Sales Account Rep _____	Date: _____
Date: _____	Management Approval _____	Date: _____



2411 N E Loop 410 ste.#106
 San Antonio, TX 78217
 (210) 651-7333

ESTIMATE EST-2022

Sea Signs Corporation

Payment Terms: Cash Customer

Created Date: 12/26/2023

DESCRIPTION: Pylon Sign

Bill To: Mall Litto
 12000 E Loop 1604 N
 Universal City, TX 78148
 US

Pickup At: Signarama
 2411 N E Loop 410 ste.#106
 San Antonio, TX 78217
 US

Requested By: Dania Contreras
 Email: [REDACTED]
 Cell Phone: [REDACTED]

Salesperson: House Signarama

NO.	Product Summary	QTY	UNIT PRICE	TAXABLE	AMOUNT
1	Set up	1	\$40.00	\$40.00	\$40.00
1.1	Initial Setup - - 645: null - Retail Price: \$40.00				
2	Pylon sign	2	\$1,421.44	\$2,842.88	\$2,842.88
2.1	Polycarbonate White 3/16" - Part Qty: 1 Width: 192.00" Height: 48.00" Sides: 1				
3	Channel Letters	1	\$6,337.00	\$6,337.00	\$6,337.00
3.1	Channel Letters.Internally Illuminated Sheet metal 3-dimensional sign. - - 645: null - Retail Price: \$6337.00				
4	Window Graphics	1	\$35.52	\$35.52	\$35.52
4.1	Window Lettering - Part Qty: 1 Width: 24.00" Height: 18.00" - Color: white				
5	Permits	1	\$350.00	\$350.00	\$350.00
5.1	Permit Process and Application of Electric - - 645: null - Retail Price: \$350.00				
5.2	Install/Permit (to be determined at city cost + 40%) - - 645: null				
6	Installation of Window Graphics	1	\$27.50	\$27.50	\$27.50

6.1	Installation - - # of Hours: 0.25				
7	Installation of Pylon sign and Channel Letters	1	\$1,650.00	\$1,650.00	\$1,650.00
7.1	Install of Electrical Sign - - # of Hours: 6				

Regarding production of custom signs, this estimate is valid based on information from client about the project requirements. Changes by the client after proof and quote approval may result in a change to the price of the produced signs.

Subtotal:	\$11,282.90
Taxable Amount:	\$11,282.90
Taxes:	\$930.84
Grand Total:	\$12,213.74
Deposit Required:	\$6,106.87

1 Year Warranty on labor and parts, 3 year warranty on parts for lightbox

Get this for as little as \$451.91 per month. Ask us for details.

The Estimate is based on current information from client about the project. Actual cost may change once project elements are finalized. Client agrees that sign service & repair will add on the cost of ballast, LED lights, lamps, sockets, wiring and other components to restore sign illumination as needed only. Client must request and approve complete replacement of lamps. Client may choose to pay for a site survey wherein we will inspect the sign illumination and will provide an itemized list of replacement components the sign needs.

Signature: _____ **Date:** _____

THE SIGN EXPERTS

INVOICE

NAME	Dania Contreras	COMPANY/FILE NAME	Mall Litto Thrift Store		
STREET		CITY	STATE	ZIP	
PHONE:		FAX/EMAIL:			

SALES PERSON	ORDER DATE	*DUE DATE	TERMS	SHIPPING	JOB NO.	P.O. NO.

* DUE DATES ARE ESTIMATED ONLY AND NOT GUARANTEED. ACTUAL COMPLETION DATE MAY VARY DEPENDING ON WORK-LOAD AND CIRCUMSTANCES OUTSIDE OF OUR CONTROL.

QTY.	DESCRIPTION	UNIT	TOTAL
1	Channel letters with leds FRONT LIT		6500.00
2	Pylon sign reface NEW PANELS		3200.00
1	Installation & permit		1295.00

PROOF, DESIGN & DEPOSIT TERMS AND CONDITIONS

- First three proofs are free. Each additional proof is \$15.00. NO EXCEPTIONS.
- Proof, design, typesetting & deposit fees are NON-REFUNDABLE. NO EXCEPTIONS.
- By proceeding with this transaction, customer understands and agrees with said terms and conditions.

CUSTOMER HAS REVIEWED AND APPROVES THE PROOF/DESIGN FOR THE ABOVE JOB. Customer accepts design "as is". No changes, adjustments or corrections, of any kind, permitted to this job (this includes spelling "errors").

CUSTOMER DOES NOT wish to review or proofread the above job/design. Customer will accept finished product "as is". No changes, adjustments or corrections, of any kind, permitted to finished product (this includes spelling "errors").

EFFECTIVE JANUARY 1, 2009, all orders & finished products are considered "active" for 60 days from order date. After 60 days, all orders and finished products that are not picked up WILL BE CONSIDERED CANCELLED AND DISPOSED OF IMMEDIATELY. ALL COLLECTED PAYMENTS AND DEPOSITS ON THESE "CANCELLED" ORDERS ARE NON-REFUNDABLE. NO EXCEPTIONS. Lack of communication and/or lack of activity from customer within 60 days of order date will also be considered "cancelled".

THE SIGN EXPERT DOES NOT GUARANTEE COLOR MATCHING OR COLOR FINISHING.

ALL COLORS demonstrated in proofs WILL VARY on finished product. Colors on finished products will be the "closest" match that we can reproduce. NO REFUNDS & NO REPRINTS on color "disputes" -NO EXCEPTIONS. This policy also applies to customer supplied files. By proceeding with transaction (or deposit), customer understands AND agrees with this policy.

ALL RETURNED CHECKS require payment within 5 working days of notice. A \$25 RETURNED CHECK FEE APPLIES. All unpaid checks filed with the District Attorney's Office for collection. ALL SALES ARE FINAL, NO EXCEPTIONS. NO REFUNDS ON DEPOSITS. No Warranties. Estimates good for 15 days ONLY.

SUBTOTAL	10995.00
TAX	907.09
SHIPPING	
TOTAL	11,902.08

DEPOSIT	
BALANCE	

NOTES:

Thank you for your business!

Premier Alamo Investment LLC, LP

P.O.BOX 592591

San Antonio, TX 78259

December 28, 2023

This is to verify that Dania Rosibel Contreras Cartagena & Karina L Henriquez dba Mall-Litto is our Tenant at Kitty Hawk Shopping Center, 12000 E Loop 1604 N Suite # 112, Universal City, TX 78148.

They are having Store Front & Pyon signs for their business installed at above location, which as Landlord of Kitty Hawk Shopping Center we are approving it.

If you have any questions or need any other information, please do not hesitate to contact undersigned.

Amir Ali Mithani
Amir Ali Mithani

Manager

Kitty Hawk Shopping Center



KITTY HAWK
EST. 1984

CASH STORE

LEE'S KITCHEN

DAYLILY • LASHES
BEAUTY BAR

AT&T THE DOG WASHER

MALL LITTO
THRIFT STORE
DONATION CENTER

ABSOLUTE LIQUOR

ROCK 'N ROLL IT
SMOKE & VAPE & HEMP

LEASING INFO

KITTY HAWK
AT 1604

MALL LITTO
THRIFT STORE
DONATION CENTER

ROCK 'N ROLL IT
SMOKE & VAPE & HEMP

CASH STORE
TITLE LOANS & CASH ADVANCES



MALL-LITTO THRIFT STORE - Internally Led Lighted Channel Letters

SCOPE OF WORK:

CHANNEL LETTERS WITH BLACK RETURNS .063
FRONTS TO BE POLYCARBONATE FACES AND INTERNALLY ILLUMINATED WITH LEDS
INSTALL EACH CHANNEL LETTER INDIVIDUALLY MOUNTED FLUSH MOUNTED
USING 3/8 NON FERROUS BOLTS.

LETTERS TO BE INTERNALLY ILLUMINATED W/ SOLAN LED WHITE BRIGHT WHITE LED'S
UL LISTED

NOTE: TAGLINE TO BE SAN DEPTH AS LETTERS. //// Colors We dont color Match No exception.

Client Approval/Date:

Landlord Approval/Date:

647 Old Hwy 90,
San Antonio, TX 78237
210.910.7100
Email: deangelocarrillo@gmail.com

Revisions:
1) _____

Account Rep: **TSW GRAFX**

Project Manager: **DAC**

Drawn By: **TSW GRAFX**

Project / Location:

ALL ELECTRICAL WORKS ARE TO COMPLY WITH U.S.A.C. AND ARTICLE 408 OF THE N.E.C. STANDARDS, INCLUDING THE PROPER SIZING AND BONDING OF ALL WIRING.

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of

TSW GRAFX

Colors Depicted In This Rendering May Not Match Actual Material Finishes. Refer To Product Samples For Exact Color Match.

Job Number: **00-00000-00**

Date: **12/15/2023**

Sheet Number: **01** of **01**

Design Number: **00-00000-R2**
LTRS / TAGLINE

RESOLUTION NO. 967-2024

A RESOLUTION OF THE CITY OF UNIVERSAL CITY AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 110-118 E. BYRD BOULEVARD, UNIVERSAL CITY, TEXAS, BY THE UNIVERSAL CITY ECONOMIC DEVELOPMENT CORPORATION, FOR PROJECTS TO PROMOTE NEW OR EXPANDED BUSINESS DEVELOPMENT

WHEREAS, The City Council of the City of Universal City recalls that the Universal City Economic Development Corporation (UCEDC), in November, 2020, issued Sales Tax Revenue Bonds in order to undertake various projects that have been found to promote new or expanded business development, and which was subsequently approved by the City Council on November 23, 2020; and

WHEREAS, The UCEDC has negotiated for the purchase of real property consisting of approximately .3071 acres and located at 110-118 E. Byrd in Universal City, Texas, and as provided in substantial form by the contract in Exhibit A to this Resolution (the “Property”), as a part of projects to develop and revitalize the “Aviation District” in order to promote new or expanding business development; and,

WHEREAS, The City Council finds that the UCEDC passed a resolution accepting the offer to purchase the Property, as shown as Exhibit B to this resolution; and

WHEREAS, The City Council further finds that the purchase of the Property by the UCEDC will effectuate the projects’ aims of rehabilitating existing structures, acquiring property for future sale or lease to new or expanding businesses, and creating a town plaza, and as such promoting new and expanded business development and thereby serving a public purpose and providing a benefit to the City.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF UNIVERSAL CITY:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the UCEDC and are fully incorporated into the body of this Resolution.

Section 2. That the purchase of the Property presented and approved in the UCEDC Resolution is approved.

FIRST READING PASSED AND APPROVED ON THIS THE 16TH DAY OF JANUARY 2024.

SECOND READING PASSED AND ADOPTED THIS 7TH DAY OF FEBRUARY 2024.

CITY OF UNIVERSAL CITY, TEXAS
 APPROVED:

 John Williams, Mayor

ATTEST:

 Maribel Garcia, Deputy City Clerk

ANIMAL CARE & CONTROL FACILITY MONTHLY PERFORMANCE REPORT

December 2023

Current Month

Year to Date

	Dogs	Cats	Total	Dogs	Cats	Total
Visitors to the Facility			292			2,971
Total Calls Outs			123			1,164
Wild Animal Complaints			32			342
Nuisance Complaints Barking, Animals at Large	87	4	91	713	104	817
Animals Licensed	43	13	56	647	179	826
Quarantined	2	1	3	16	4	20
Verbal Warnings Issued	3	0	3			28
Written Warnings Issued	33	0	33			363
Summons Issued	2	0	2			14

Animals Remaining at Shelter November 2023	15	7	22			
Impounded	22	3	25	312	188	500
Owner Surrendered Pets	0	0	0	13	4	17
Shelter transfer - IN	0	0	0	3	0	3
Returned to Owner	13	0	13	130	12	142
Escaped or Released from Facility	0	0	0	0	0	0
Adopted	9	2	11	118	91	209
Adopted - Owner Surrender	0	2	2	10	4	14
Shelter Transfer - OUT	1	0	1	6	0	6
Shelter Transfer - Owner Surrender	0	0	0	2	0	2
Animals Euth (Non- Rehabilitatable)	3	1	4	42	54	96
Animals Euthanized (Space)	0	0	0	0	0	0
Animals Euthanized (Medical)	1	0	1	22	29	51
Animals Euthanized -Owner Surrender-No Rehab	0	0	0	0	0	0
Animals Euthanized-Owner Surrender-Space	0	0	0	0	0	0
Animals Euthanized-Owner Surrender-Medical	0	0	0	0	0	0
Total Euthanasias	4	1	5	64	83	147
Died @ Facility (Natural Causes)	0	0	0	0	3	3
Animals Remaining at Shelter December 2023	10	5	15			

ACCF Maximum Holding Capacity	22	Dog Runs	32	Cat Kennels
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PERCENTAGE OF OCCUPANCY	45%	Dogs	16%	Cats
-------------------------	-----	------	-----	------

DEVELOPMENT SERVICES DEPARTMENT

MONTHLY REPORT

DECEMBER 2023

BUILDING		
<u>PERMITS ISSUED</u>	<u>CERTIFICATES OF OCCUPANCY</u>	
70	9	
<u>TOTAL INSPECTIONS</u>	<u>1ST TIME INSPECTIONS</u>	<u>RE-INSPECTIONS</u>
500	418	82
HEALTH		
<u>TOTAL INSPECTIONS</u>	<u>1ST TIME INSPECTIONS</u>	<u>RE-INSPECTIONS</u>
27	19	8
CODE COMPLIANCE		
<u>CASES OPENED</u>	<u>CASES CLOSED</u>	
28	12	

MINUTES
BOARD OF ADJUSTMENT OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 27 February 2023

1. CALL TO ORDER: Chairperson William Fitzpatrick at 6:16 P.M.
2. QUORUM CHECK: Michael Cassata, Development Services Director

Present:

William Fitzpatrick, Chairperson
Donna Ash, Member
Scott Dagg, Member
Tom England, Member
Roger Pritt, Member
J. Svalberg, Member
Roberta Castana, Alternate Member

Also Present:

Kim Turner, City Manager
Michael Cassata, Development Services Director
Maribel Garcia, Deputy City Clerk
Tresa Mack, Applicant

Absent:

Charles Consla, Member

Mr. Cassata noted a quorum was present.

3. MINUTES OF PREVIOUS MEETING: Regular Meeting – 26 September 2022.

Mr. Pritt moved to approve the minutes of the 26 September 2022 Regular Meeting without correction. Mr. England seconded the motion.

The motion was approved on a 6-0 vote.

9. NEW BUSINESS:

B. Public Hearing: V.C. 671 – A request for a variance for property zoned R2 – Low Density Residential at 8711 Boreas (CB 5047 BLK 13 LOT 70 OLYMPIA UNIT-11) to allow encroachment of the 5-foot side yard accessory setback and 10-foot rear yard accessory setback, per zoning ordinance 581.

Chair Fitzpatrick opened the Public Hearing at 6:17 P.M.

Mr. Cassata explained the request for variance. He stated that the property is zoned R2-Single Family Residential which requires a 5-foot setback on either side with a 10-foot setback on the rear. He explained that the property owners had installed a shed that would encroach on one of the 5-foot setbacks. He reported written approval from surrounding neighbors and HOA approval conditional on BOA approval. He added that the Building Official had approved of the shed. He emphasized that moving the shed would require cutting down a tree.

Ms. Tresa Mack, the homeowner and applicant, explained that the shed had been installed without permits based on their experience with other cities. She believed that a permit was not required unless there was a slab of cement placed during installation. She emphasized her desire to not remove the tree. She and Mr. England discussed the need for the contractor who built the shed, Shed Brothers, to understand the permitting process for Universal City.

With no further comment, Chair Fitzpatrick closed the Public Hearing at 6:25 P.M.

- C. **Consider V.C. 671 – A request for a variance for property zoned R2 – Low Density Residential at 8711 Boreas (CB 5047R BLK 13 LOT 70 OLYMPIA UNIT-11) to allow encroachment of the 5-foot side yard accessory setback and 10-foot rear yard accessory setback, per zoning ordinance 581.**

Mr. England stated that he concurred with the findings of fact as outlined in the variance application. Specifically,

- That there are extraordinary conditions affecting the land, including existing land constraints;
- That the variance is necessary and essential to the preservation of substantial property rights;
- That granting the variance will not be detrimental to the public health or safety;
- That extraordinary conditions do not generally apply to other properties within the vicinity;
- The unique conditions of the property were not created by the property owner;
- The variance requested is in conformance with the City's Future Land Use Plan; and
- Approval of the variance requested allows the greatest utilization of the property.

Therefore, he moved to approve VC 671 and to grant a variance from Section 4-5-63 of the Zoning Code for the property at 8711 Boreas to allow encroachment of the 5-foot side yard accessory setback and 10-foot rear yard accessory setback for a shed.

Mr. Svalberg seconded the motion.

The motion was approved on a 6-0 vote.

10. CITY MANAGE'S REPORT: None.

ADJOURNMENT: Mayor Williams adjourned the meeting at 6:26 P.M.

Chair _____

MINUTES

PARKS & RECREATION COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS

Regular Meeting, Tuesday Evening, 28 November 2023

1. **CALL TO ORDER:** Chair Harry Westerfield at 6:02 P.M.
2. **QUORUM CHECK:** Chair Harry Westerfield

Commission Members Present:

Harry Westerfield, Chairperson
Mary Eddy, Member
Judy Schindler, Member
Janet Tennis, Member

Also Present:

Randy Luensmann, Public Works Director

Absent:

Nick Ferguson, Member

Chair Westerfield noted a quorum was present.

3. **CITIZENS TO BE HEARD:** None.
4. **OLD BUSINESS – MINUTES OF PREVIOUS MEETINGS:**

A. Consider the Minutes of the October 24th, 2023 meeting.

Chair Westerfield moved to approve the minutes as written. Ms. Eddy seconded the motion.

Motion to approve carried unanimously.

5. **NEW BUSINESS:**

A. Discussion on upcoming swing set installation at Veterans Park.

Mr. Luensmann explained that with shipping and installation timelines, full completion of the swing set should be in February. He said the swing set would be located between the restrooms and the flagpole. Apart from this project, trail lights would be placed around the walking path to fully complete the park.

B. Discussion on upcoming Red Horse Park small playground and pavilion improvements.

Mr. Luensmann stated the park playground and pavilion improvements have begun and were about 90% complete at the time of this meeting. The stonework should be completed by Christmas.

C. Update on next phase of Red Horse Park parking lot improvements.

Mr. Luensmann explained the second phase of Red Horse Park to be centered around the playground area adjacent to the pavilion. This area would be set for children under 5 years of age. Completion of this phase was estimated for January. The plan to move the basketball hoop would be the next phase along with certain improvements near the trail; this phase was slated for 2025. Mr. Luensmann added that fence replacement along the driving path would be budgeted for the FY 2025.

D. Snowfest 2024 event planning and discussion (February 17, 2024).

Mr. Luensmann reported that Snowfest is scheduled for February 17, 2023 with the volunteer/vendor meeting on February 8th, 2023 at 6:00 PM for volunteers and 7:00 PM for vendors. He added that work has commenced regarding generator and sponsor organization. Decisions regarding rides would not be finalized until January.

6. COMMISSION MEMBER ITEMS:

Chair Westerfield gained Commission consensus to move the December Parks and Recreation Commission meeting from December 26th, 2023 to December 27th, 2023 at 6:00 PM to accommodate for City office closures.

Ms. Eddy confirmed that the status of Ms. Beverly Volle's plaque replacement would be verified.

7. ADJOURNMENT:

With Commissioners' consensus to adjourn, Chair Westerfield adjourned the meeting at 6:42 P.M.

Harry Westerfield
Chairperson

MINUTES
PLANNING AND ZONING COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 06 November 2023

1. CALL TO ORDER: Chair Zachary Carlton at 6:00 P.M.

2. QUORUM CHECK: Kim Turner, City Manager

Commission Members Present:

Zack Carlton, Chair
Deborah Hernandez, Member
John Hudson, Member
Linda Sefton, Member
Cynthia Spurlock, Vice-Chair
Devona Trigilio, Member
Diane Woods, Secretary

Staff Present:

Kim Turner, City Manager
Maribel Garcia, Deputy City Clerk

Applicant Attendees:

Caroline McDonald, Brown & McDonald, PLLC.

Mrs. Turner noted a quorum was present.

3. MINUTES OF THE PREVIOUS MEETING: Regular Meeting – 11 September 2023

Mr. Hudson moved to approve the minutes of the previous meeting. Ms. Spurlock seconded the motion.

The motion was approved unanimously.

4. NEW BUSINESS:

- A. Public Hearing: P.C. 595—A request for approval of the Preliminary & Final Replats and related variance for a property being a total of 4.724 acres, establishing Lots 33 and 34, Block 3, being all of Lot 32, Block 3, of the Supa Doors Addition Plat, Recorded in Volume 9716, Page 105 of the Deed and Plat Records of Bexar County, Texas and in the City of Universal City, Bexar County, Texas, with a common address of 1740 Universal City Boulevard, establishing UC Business Park Replat, zoned C4-General Commercial, per Zoning Ordinance 581.**

Mrs. Turner explained changes to original plat and expansion of bought property that was included as an option in the initial proposal. She reported that the plat had been approved by engineers.

Ms. Spurlock moved to open the Public Hearing. Mr. Hudson seconded the motion.

The motion was approved unanimously; Chair Carlton opened the Public Hearing at 6:02 P.M.

There being no public comment, Mr. Hudson moved to close the Public Hearing. Ms. Woods seconded the motion.

The motion was approved unanimously; Chair Carlton closed the Public Hearing at 6:03 P.M.

- B. Consider: P.C. 595—A request for approval of the Preliminary & Final Replats and related variance for a property being a total of 4.724 acres, establishing Lots 33 and 34, Block 3, being all of Lot 32, Block 3, of the Supa Doors Addition Plat, Recorded in Volume 9716, Page 105 of the Deed and Plat Records of Bexar County, Texas and in the City of Universal City, Bexar County, Texas, with a common address of 1740 Universal City Boulevard, establishing UC Business Park Replat, zoned C4-General Commercial, per Zoning Ordinance 581.**

Ms. Spurlock moved to approve P.C. 595. Mr. Hudson seconded the motion.

The motion was approved on a 7 – 0 vote.

- C. Public Hearing: P.C. 590 (SU 016)— A request for a Specific Use Permit at 916 Coronado Boulevard – Coronado Square Shopping Center (CB 5047D BLK 2 LOT 1 BRUNSWICK SUBD) to allow a Health Care Offices use in a C2—Retail District, per zoning ordinance 581.**

Ms. Woods moved to open the Public Hearing. Ms. Spurlock seconded the motion.

The motion was approved unanimously; Chair Carlton opened the Public Hearing at 6:05 P.M.

Mrs. Turner stated that the applicant was present. She reminded the Commission that a Specific Use Permit applies only to that specific tenant and use, and that this property had been a dentist’s office before. The applicant was for a dental office.

Caroline McDonald, with Brown & McDonald, PLLC. representing the applicant, stated that the applicant complied with SUP provisions and Code. She gave an overview of the location, surrounding businesses, architectural layout, and she noted that they agreed with Staff recommendation. She clarified for Ms. Sefton that the dental office would be locally owned.

With no further public comment Mr. Hudson moved to close the Public Hearing. Ms. Woods seconded the motion.

The motion was approved unanimously; Chair Carlton closed the Public Hearing at 6:09 P.M.

- D. Consider: P.C. 590 (SU 016)— A request for a Specific Use Permit at 916 Coronado Boulevard – Coronado Square Shopping Center (CB 5047D BLK 2 LOT 1 BRUNSWICK SUBD) to allow a Health Care Offices use in a C2—Retail District, per zoning ordinance 581.**

Mr. Hudson motioned to approve P.C. 590 (SU 016). Ms. Spurlock seconded the motion.

The motion was approved on a 7 – 0 vote.

- E. Public Hearing: P.C. 594—A request for approval of the Preliminary & Final Replats being 4.015 acres (174,883 Square Feet) of land situated in the Maria Lucia Torres Survey No. 81, abstract No. 745, County Block 5053 City of Universal City, Bexar County, Texas; being a portion of Lot 2 of St. Matthews Subdivision Replat recorded in Volume 8800, Page 228 of the Bexar County Deed and Plat Records, Final Re-Plat establishing St. Matthew’s Second Replat, Zoned C5-Highway Commercial, per Zoning Ordinance 581.**

No public hearing necessary.

- F. Consider: P.C. 594—A request for approval of the Preliminary & Final Replats being 4.015 acres (174,883 Square Feet) of land situated in the Maria Lucia Torres Survey No. 81, Abstract No. 745, County Block 5053 City of Universal City, Bexar County, Texas; being a portion of Lot 2 of St. Matthews Subdivision Replat recorded in Volume 8800, Page 228 of the Bexar County Deed and Plat Records, Final Re-Plat establishing St. Matthew’s Second Replat, Zoned C5- Highway Commercial, per Zoning Ordinance 581.**

Mrs. Turner gave a brief overview of the purchase of a portion of the St. Matthew’s lot for City right of way. The City’s purchase initiated the replat of the St. Matthews lot. She clarified that the plat would be recorded

when the sale to the City is finalized. The portion purchased by the City would remain accessible to the public.

Mr. Hudson moved to approve P.C. 594. Ms. Spurlock seconded the motion.

Ms. Woods recused herself. **The motion was approved on a 6 – 0 vote.**

- G. Public Hearing: P.C. 591 (ZC 251)—A request for an amendment to the Future Land Use Plan from OS-Open Space to CS-Commercial Services for an approximately 1.741 acre tract of land situated in County Block 5053, City of Universal City, Bexar County, Texas; being a portion of that certain 37.73 acre tract described in instrument to the City of Universal City recorded in Vol.13260, Pg.1789 of the Bexar County Official Public Records (BCOPR); being all of Lots 3 and 902, Block 70 of proposed CFA UC subdivision, located at 700 Kitty Hawk Road, per Zoning Ordinance 581**

Mr. Hudson moved to open the Public Hearing. Ms. Spurlock seconded the motion.

The motion was approved unanimously; Chair Carlton opened the Public Hearing at 6:18 P.M.

Ms. Turner explained that the land is currently designated as Open Space which is typical for City-owned property. Thus, to use the property for any other use would require a FLUP amendment. She reported steps taken by the City regarding the land and surrounding land south of the cited tract.

Ryan Gernand, 701 Kitty Hawk Road, received clarification that the ingress/egress point would be the City-owned right-of-way purchased from the St. Matthews' tract.

Mr. Hudson moved to close the Public Hearing. Ms. Spurlock seconded the motion.

The motion was approved unanimously; Chair Carlton closed the Public Hearing at 6:25 P.M.

- H. Consider: P.C. 591 (ZC 251)—A request for an amendment to the Future Land Use Plan from OS-Open Space to CS-Commercial Services for an approximately 1.741 acre tract of land situated in County Block 5053, City of Universal City, Bexar County, Texas; being a portion of that certain 37.73 acre tract described in instrument to the City of Universal City recorded in Vol.13260, Pg.1789 of the Bexar County Official Public Records (BCOPR); being all of Lots 3 and 902, Block 70 of proposed CFA UC subdivision, located at 700 Kitty Hawk Road, per Zoning Ordinance 581.**

Ms. Sefton moved to approval P.C. 591 (ZC 251). Mr. Hudson seconded the motion.

The motion was approved on a 7 – 0 vote.

- I. Public Hearing: P.C. 592 (ZC 252)—A request for a Zone Change from OS-Open Space to C3-Commercial Services for an approximately 1.741 acre tract of land situated in County Block 5053, City of Universal City, Bexar County, Texas; being a portion of that certain 37.73 acre tract described in instrument to the City of Universal City recorded in Vol.13260, Pg.1789 of the Bexar County Official Public Records (BCOPR); being all of Lots 3 and 902, Block 70 of proposed CFA UC subdivision, located at 700 Kitty Hawk Road, per Zoning Ordinance 581.**

Mr. Hudson moved to open the Public Hearing. Ms. Spurlock seconded the motion.

The motion was approved unanimously; Chair Carlton opened the Public Hearing at 6:26 P.M.

Mrs. Turner stated this item pertained to the same tract of land as the previous items. She explained zoning

requirements for Ms. Sefton.

Ms. Sefton moved to close the Public Hearing. Ms. Spurlock seconded the motion.

The motion was approved unanimously; Chair Carlton closed the Public Hearing at 6:27 P.M.

- J. Consider: P.C. 592 (ZC 252)—A request for a Zone Change from OS-Open Space to C3- Commercial Services for an approximately 1.741 acre tract of land situated in County Block 5053, City of Universal City, Bexar County, Texas; being a portion of that certain 37.73 acre tract described in instrument to the City of Universal City recorded in Vol.13260, Pg.1789 of the Bexar County Official Public Records (BCOPR); being all of Lots 3 and 902, Block 70 of proposed CFA UC subdivision, located at 700 Kitty Hawk Road, per Zoning Ordinance 581.**

Mr. Hudson moved to approval P.C. 592 (ZC 252). Ms. Spurlock seconded the motion.

The motion was approved on a 7 – 0 vote.

- K. Public Hearing: P.C. 593—A request for approval of the Preliminary & Final Plats & Replats being 2.557 acres (111,372 S.F.) of land situated in the Maria Lucia Torres Survey No. 81, Abstract No. 745, County Block 5053 City of Universal City, Bexar County, Texas: containing 0.813 acre (35,419 S.F.) of Lot 2 of St. Matthew’s Subdivision Replat recorded in Vol. 8800, PG. 228 of the Bexar County Deed and Plat Records; and containing 1.741 acres (75,821 S.F.) of that certain 37.73 acre tract described in instrument to the City of Universal City recorded in Vol. 13260, PG. 1789 of the Bexar County Official Public Records, Final Plat & Re-Plat establishing CFA UC Subdivision, per Zoning Ordinance 581.**

No public hearing necessary.

- L. Consider: P.C. 593— A request for approval of the Preliminary & Final Plats & Replats being 2.557 acres (111,372 S.F.) of land situated in the Maria Lucia Torres Survey No. 81, Abstract No. 745, County Block 5053 City of Universal City, Bexar County, Texas: containing 0.813 acre (35,419 S.F.) of Lot 2 of St. Matthew’s Subdivision Replat recorded in Vol. 8800, PG. 228 of the Bexar County Deed and Plat Records; and containing 1.741 acres (75,821 S.F.) of that certain 37.73 acre tract described in instrument to the City of Universal City recorded in Vol. 13260, PG. 1789 of the Bexar County Official Public Records, Final Plat & Re-Plat establishing CFA UC Subdivision, per Zoning Ordinance 581.**

Mrs. Turner noted the expansion of the CPS overhead easement by an additional 9 feet.

Mr. Hudson moved to approve P.C. 593. Ms. Spurlock seconded the motion.

The motion was approved on a 7 – 0 vote.

5. CITY MANAGER’S REPORT:

Ms. Turner shared that the Volunteer Appreciation Event would be held November 14th and reported on the progress of the Tree Lighting Ceremony and City Hall re-roof.

6. ADJOURNMENT: Chair Carlton adjourned the meeting at 6:34 P.M.