



City of Murphy Employee Handbook

February 29, 2020



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**CITY OF MURPHY
PERSONNEL POLICIES AND PROCEDURES MANUAL**

1.0 GENERAL PROVISIONS

1.01 AUTHORITY

1.01.01 The City of Murphy (the “City”) is a Home Rule Municipality. The City Charter, first adopted in February 2004, provides that the City will operate under the form of government known as the “Council-Manager Government.” Under Charter requirements, the City Manager or designee shall prepare and present the personnel rules to the City Council who then may elect to adopt them.

1.01.02 The purpose of these Personnel Policies and Procedures is to create a high degree of understanding, cooperation, efficiency and unity, all of which come through the systematic application of established procedures in personnel management and administration; and to provide a uniform policy for all employees.

1.01.03 This manual is designed to provide information regarding working conditions, employee benefits and policies affecting employment. Employees should read, understand and comply with all provisions of the manual. It describes many responsibilities as an employee and outlines the programs developed by the City to benefit employees. Employees also may read any applicable departmental regulations for additional information about the administration of these policies, other City policies and employment matters. All such departmental rules/policies may be more restrictive, but not less restrictive than these Personnel Policies and Procedures.

1.01.04 No employee manual can anticipate every circumstance or question about policy. As the City continues to grow and as the need may arise, the City reserves the right to revise, supplement or rescind any policies or portion of the manual from time to time as it deems appropriate, in its sole and absolute discretion, subject to the requirements of the Charter. Any future changes to this manual shall be communicated to employees through official notices.

1.01.05 The fundamental objectives of the personnel policies and the administrative regulations are:

- A. To promote and increase efficiency and responsiveness to the public and economy in the service of the City;
- B. To develop a program of recruitment, advancement and tenure which shall make service to the City attractive as a career and shall encourage each employee to render his or her best services to the City;

- C. To establish and maintain an equitable and uniform plan of evaluation and compensation based upon the relative duties and responsibilities of positions within the City and to reward meritorious service;
- D. To establish and promote high morale among City employees by providing a good working environment, uniform personnel policies and opportunity for advancement;
- E. To endeavor to comply with all applicable statutes and regulations, including all confidentiality and security safeguards set forth in the Texas Public Information Act, as amended, and the Federal Privacy Act of 1974, as amended;
- F. To provide an attractive, efficient and safe environment by maintaining good physical working conditions and a planned safety program;
- G. To regard planned training, continuing education and staff development activities as an investment for the mutual benefit of employees and the City;
- H. To communicate freely and to encourage communication from and among all employees;
- I. To provide a work environment that is conducive to both personal and professional growth;
- J. To safeguard each employee's right to be treated with respect, dignity, equity and fairness; where provided, the right to appeal any violation of these rights; and
- K. To recruit, select, compensate and promote employees on the basis of qualifications and merit, including but not limited to criteria such as ability to work well with others, positive attitude, leadership and similar criteria.

1.02 SEVERABILITY

1.02.01 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. Changes in State or Federal law or regulations will supersede these policies and/or departmental policies from the effective date of the law or regulation forward.

1.03 EQUAL EMPLOYMENT OPPORTUNITY

1.03.01 As the governmental unit established to serve all of the citizens of Murphy, the City of Murphy, Texas, recognizes that it is in the best interest of efficiency,

effectiveness and equity within its municipal operations to ensure that all of its citizens and employees are allowed to make the greatest contribution of which they are capable to their municipal government. In striving toward this end, the City recognizes and readily accepts its legal and moral responsibility to uphold the Constitution and laws of the United States of America and the State of Texas. It is with the express intent of fulfilling this responsibility that the City of Murphy, Texas, hereby adopts the following Equal Employment Opportunity Policy Statement:

- A. Equal opportunity in employment shall be provided to all persons;
- B. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment or personnel management because of political or religious opinions or affiliations, or because of race, color, age, gender, national origin, disability, genetic information or other unlawful basis is prohibited;
- C. Unlawful discrimination on the basis of age, race, gender, color, national origin, religion or disability is prohibited in the enforcement of these policies;
- D. Derogatory language against or about any person's age, race, gender, color, national origin, religion or disability is prohibited;
- E. Retaliation, intimidation, coercion or harassment against any applicant for employment or employee who may file a grievance under this policy and/or who may file a grievance or complaint in accordance with existing statutory rights of appeal to appropriate governmental authorities is prohibited; and
- F. Any employee who violates the prohibitions, or the letter or spirit, of this policy shall be subject to disciplinary action, up to and including dismissal.

1.04 UNLAWFUL DISCRIMINATION AND HARASSMENT

1.04.01 It is the policy of the City of Murphy that all employees, volunteers or interns shall be able to enjoy a work environment free from all forms of unlawful harassment. Unlawful harassment is aggressive, suggestive, or offensive behavior based on sexual orientation, race, age, religion, color, disability, national origin, gender, status as a Vietnam-era or special disabled veteran, or any status in any group protected by Federal, state or local law. The City does not tolerate improper interference with the ability of the City's employees to perform their expected job duties.

1.04.02 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 and/or the Internet. Harassment of any nature, when based on sexual orientation, race, age, religion, color, disability, national origin, gender, status as a Vietnam-era or special disabled veteran, or any status in any group protected by Federal, state or local law, will not be tolerated. All City employees are entitled to a workplace free of unlawful harassment by management, Supervisors, co-workers, citizens and vendors. City employees are also prohibited from harassing citizens, vendors and all other third parties.

1.04.03 Sexual Harassment is unlawful harassment that is a form of sex discrimination. Sexual harassment is any unwelcome or unsolicited sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature towards another individual when:

- A. Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- B. Submission to or rejection of such conduct is used as the basis for employment decisions; and
- C. The conduct has the purpose or effect of substantially interfering with an individual's work or creates a hostile, intimidating, or offensive work environment.

Sexual harassment includes, but is not limited to the following:

- A. Making suggestive comments, gestures, threats, insults or jokes;
- B. Flirting, touching, making advances or propositions;
- C. Using sexually degrading words to describe an individual; and
- D. The display in the workplace of sexually suggestive objects or pictures.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, which lowers morale and therefore, interferes with work effectiveness.

A FINDING OF ANY TYPE OF HARASSMENT CAN RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION OF EMPLOYMENT.

1.04.04 Retaliation against an individual who makes a good faith report of prohibited conduct or who assists in a complaint investigation, is prohibited. Acts of

retaliation must be reported immediately as set out in this Section below. The City shall be proactive in preventing retaliation and shall take remedial action when necessary.

1.04.05 Each Supervisor has a responsibility to maintain the workplace free from all types of harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure harassment. Furthermore, if notified of a possible harassment situation, the Supervisor must report the situation to the City Manager or Human Resources as soon as possible.

1.04.06 It will be the responsibility of the City Manager to inform Supervisors and employees of the policy concerning unlawful harassment, the gravity of such behavior and the procedure to be employed in the event such an allegation develops.

1.04.07 The City of Murphy is committed to diligently enforcing its harassment/discrimination policy by promptly investigating all complaints. When harassment or discrimination is discovered, the City shall take appropriate remedial measures and/or disciplinary action, up to and including termination. The complaint procedure is designed to deal with complaints in a fair, discreet and timely manner to:

- A. Decide if the behavior alleged in the complaint took place and constitutes harassment/discrimination that violates Federal and/or State law and City Policy; or constitutes harassment/discrimination in the form of inappropriate or offensive behavior that violates City policy;
- B. Stop the offending behavior;
- C. Restore the complainant's working environment;
- D. Take steps to prevent retaliation and repetition of the harassment; and
- E. Educate and/or discipline the harasser/discriminator consistent with the seriousness of the offense.

1.04.08 The following procedures are to be used for reporting and investigating harassment/discrimination complaints:

- A. Any employee who feels victimized by harassment/discrimination should report, verbally or in writing, the harassment/discrimination to his or her Supervisor immediately. If the employee's immediate Supervisor is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to their Director, Human Resources, or the City Manager. The employee is not required to follow his or her chain of command when reporting harassment/discrimination.

- B. Any Supervisor or Director that learns of, or receives a complaint of harassment/discrimination is required to report it to Human Resources or the City Manager's office.
- C. If the complaint alleges harassment/discrimination, Human Resources, the City Attorney's office or their designee will conduct a prompt and impartial investigation.
- D. Management, upon being informed about a harassment/discrimination complaint, shall take immediate and appropriate action when necessary to ensure any inappropriate behavior is not repeated during the investigation. Depending on the nature and severity of the complaint, the City reserves the right to take any immediate action necessary to address the complaint including, but not limited to, immediate suspension without pay of the employee against whom a complaint has been made. If, at the conclusion of the investigation, no discipline is imposed, the City may award back pay for the period of the unpaid suspension, except for any unpaid periods imposed as discipline.
- E. The investigation may include, but is not limited to, obtaining all factual evidence, conducting interviews and obtaining witness statements, determining whether a reasonable basis exists for the allegations of harassment, determining if there has been a violation of Federal or state law and/or City policy, and affording the accused the opportunity to respond verbally or in writing to the allegations. If harassment is found to have occurred, recommendations for remedial action shall be made.
- F. The investigator shall conduct the investigation carefully and discreetly to protect all employees questioned and all information gathered. Confidentiality during an investigation is not guaranteed, but the investigator, to the extent possible, shall conduct the investigation to protect the privacy of those involved and relate facts only on a need-to-know basis. Every effort shall be made to conduct the investigation promptly so as to respect the rights of all individuals involved.
- G. Upon completion of the investigation and based upon the findings of the investigation and the conclusions of the investigator, Human Resources or the designee shall promptly relay the results of the investigation to the accused and the complainant.
- H. If the investigation finds that harassment/discrimination has occurred, the City shall take appropriate corrective disciplinary action, which may include but not be limited to: oral reprimand, written reprimand, suspension, demotion and/or termination. The City shall take all steps necessary to effectively remedy the harassment/discrimination that was found during an investigation.
- I. No employee shall be subject to any form of retaliation or discipline for

pursuing or participating in a harassment/discrimination complaint. The City shall insure that complainants and witnesses shall suffer no retaliation as a result of their involvement in the investigation.

- J. If the investigation does not find that harassment/discrimination occurred or that the alleged incident(s) did not constitute harassment/discrimination, the matter shall be referred back to the department Director to be addressed.

1.05 HIPAA PRIVACY REGULATIONS

1.05.01 The Health Insurance Portability and Accountability Act (HIPAA) was enacted in 1996 and was designed to improve access and transferability of health insurance and combat abuse in the health care industry. The U.S. Department of Health and Human Services has issued privacy and security regulations that cover health plans and health care providers, including the City of Murphy's health plan. In accordance with HIPAA, the following actions or requirements have been implemented:

- A. The City's privacy policy is located in the Human Resources Department;
- B. Before accessing Personal Health Information, a written and signed authorization is required; and
- C. A Privacy Officer has been selected.

1.05.02 Should you have any questions regarding HIPAA, please contact the Human Resources Manager (who has been designated as the Privacy Officer for the City's health plans).

1.05.03 The City of Murphy will review this policy annually to ensure compliance with state and Federal laws. The City is taking these steps to ensure your privacy and to regulate distribution (verbal or otherwise) of confidential medical information.

1.06 NOTICE OF HIPAA PRIVACY RIGHTS

1.06.01 The City of Murphy strives to protect the privacy of its employees' medical information to the greatest possible extent. To accomplish this, the City and its management staff and employees are required to follow these guidelines regarding the confidentiality of medical information:

- A. All medical information concerning employees will be maintained in separate, confidential medical files that are stored apart from regular personnel records. Only authorized employees will have access to such files, and access will be provided solely on a need-to-know basis. Furthermore, such access shall be granted only in accordance with applicable law, which includes (but is not limited

to) the Americans with Disabilities Act, the Family and Medical Leave Act, the Federal Rehabilitation Act, state workers' compensation law and state privacy laws.

- B. Employees are hereby notified that medical information concerning employees and employee family members is absolutely confidential under state and Federal laws and may not be discussed at any time with any person under any circumstances. Exceptions are if an employee needs to do so in order to carry out his or her job duties, or if the person discussing the information is talking with the subject of the information at that person's invitation. If an employee is concerned about a co-worker's possible medical condition, the employee should direct these concerns only to the HIPAA Compliance Officer and to no one else.
- C. Any employee who is found to have discussed medical information about another employee or an employee's family member in violation of this policy, or who is found to have released such information without authorization, will be subject to disciplinary action, up to and including immediate termination from employment. In addition, employees who violate medical information confidentiality may be subject to civil and criminal liability under state and Federal laws.
- D. All access to employee medical records must be approved by the HIPAA Compliance Officer. If an employee believes that this medical information confidentiality policy has been violated, he or she should contact the HIPAA Compliance Officer. If it is believed that the HIPAA Compliance Officer has violated the policy, the employee should contact the City Manager.
- E. Medical records will not be provided to third parties, except when the City is properly served with a valid subpoena, release or applicable Open Records Request. When possible, the City will notify the employee of the proper service of a subpoena upon an Open Records Request, in order to enable the employee to seek to quash the subpoena or take other action as deemed appropriate by the employee.

1.06.02 If you have any questions about this information, please contact the HIPAA Compliance Officer/Human Resources Manager immediately.

1.07 APPLICABILITY OF PERSONNEL POLICIES

1.07.01 These personnel policies shall apply to all employees unless superseded by the State or Federal constitutions, State or Federal legislation and/or regulations, the City Charter or City code provisions. Failure to comply with these policies may result in appropriate disciplinary action. All City employees are charged with the responsibility of being thoroughly familiar with all provisions of these Personnel Policies and Procedures.

1.07.02 Elected officials, the City Attorney, The City Engineer, members of appointed boards and commissions, persons employed under contract (other than the City Manager and City Secretary), and personnel appointed to serve without pay shall not be considered City employees for purposes of these policies.

1.08 DISSEMINATION OF PERSONNEL POLICIES

1.08.01 Each City employee and department will receive a copy of these policies and is required to read it carefully and to adhere to the rules and regulations stated herein. Upon commencement of employment, every employee is required to sign an acknowledgment of having received a copy of the City's personnel policies and of the employee's at-will employment status.

1.09 DEPARTMENTAL RULES/POLICIES

1.09.01 Because of the variety of services performed by the City, it may be necessary for individual departments to establish codes of conduct, rules and regulations, and policies and standard operating procedures to accomplish departmental responsibilities. All such departmental rules/policies may be more restrictive, but not less restrictive than these Personnel Policies and Procedures. An employee who violates a departmental code of conduct, rules, policy or procedure is subject to disciplinary action.

1.10 AUTHORITY AND RESPONSIBILITY

1.10.01 The City Manager may revise or amend these Personnel Policies and Procedures, within the law and with City Council approval, to the extent deemed necessary by the City Manager in order to more effectively and efficiently promote the interest of the City and its employees. The Human Resources Department, upon approval by the City Manager, is authorized and directed to develop and implement necessary procedures for the efficient administration of these Personnel Policies and Procedures.

1.10.02 With the exception of matters reserved to the City Council, the general and final authority for personnel administration rests with the City Manager. Each Director, Manager and Supervisor is responsible for enforcing the provisions of this Personnel Policies and Procedures Manual. City employees are responsible for complying with and adhering to these Personnel Policies and Procedures and for conforming to the directions provided by departmental management in the fulfillment of these Personnel Policies and Procedures. The issuance of these Personnel Policies and Procedures does not constitute an express or implied contract between the City and its employees.

1.11 DATE OF ADOPTION

1.11.01 These Personnel Policies and Procedures are effective immediately upon adoption by the City Council, in accordance with the provisions of Section 4.06 of the City Charter.

2.00 EMPLOYMENT

2.01 PURPOSE/AT-WILL EMPLOYMENT

2.01.01 Employment with the City of Murphy is on an “at-will” basis. The employee may quit and the City may terminate the employee at any time, for any non-discriminatory reason or for no reason. The provisions of this Policies and Procedures Manual are not intended to create a contract of employment, and no agreement or promise regarding an employee’s terms or conditions of employment is binding on the City. The City has the right to change its policies at any time without prior notice. No contrary verbal representation or statement of an employee’s terms and conditions of employment is binding upon the City.

2.02 EMPLOYMENT CATEGORIES

2.02.01 There are two (2) categories of employment with the City:

- A. Full-Time: A full-time employee is appointed to an authorized position that involves, on the average, forty (40) hours or more per week for employees outside of fire personnel. Fire personnel assigned to shifts are considered full-time when scheduled to work fifty-six (56) hours per week. Full-time employees may be either exempt or non-exempt employees. Employees are classified as exempt or non-exempt by the City of Murphy per the United States Department of Labor guidelines. Exempt employees are those who occupy an executive, administrative or professional position or one who is a computer employee, as defined by the Fair Labor Standards Act. Non-exempt employees are those who do not occupy an executive, administrative or professional position or one who is a computer employee, as defined by the Fair Labor Standards Act.
- B. Part-Time: A part-time employee is appointed to an authorized position that involves, on the average, less than thirty (30) hours per week not to exceed one thousand (1,000) hours per year. Part-time employees receive no employment benefits or accrued leave time.

2.03 METHODS OF RECRUITMENT AND SELECTION

2.03.01 The City has four (4) methods of recruiting and selecting persons to fill vacancies: promotion from within; lateral transfer from within; competitive external consideration of applicants for employment; and/or selection from a valid current eligibility list. A valid current eligibility list is a list of applicants for the same or a similar position for which internal applications were sought.

2.03.02 Employment with the City of Murphy shall be based on merit, ability and fitness for duty. No one shall be employed in any position with the City until a completed application of employment is provided to the Human Resources Department. Any applicant wishing to be considered for openings must submit a new application and/or resume for each position of which they wish to be considered. Applications that have resulted in employment shall be included in the employee's City employment records.

2.03.03 The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

2.03.04 The City does not accept applications for employment unless a specific vacancy exists. Persons wishing to apply for a job with the City when a specific vacancy does not exist are informed of this policy and of the City's method of advertising City job announcements. These persons may return and file an application at any time an advertised vacancy exists for which they consider themselves to be qualified.

2.04 REQUIREMENTS FOR EMPLOYMENT

2.04.01 To be eligible for employment with the City or for a change in present personnel status, an individual must:

- A. Be at least sixteen (16) years of age depending upon the requirements of each position;
- B. Have a social security number;
- C. Agree to be fingerprinted, if requested;
- D. Agree to a polygraph examination related specifically to job performance for positions designated by the City Manager, if requested and such examination is not prohibited by law;
- E. Where permitted by law, pass a physical and/or psychological examination administered by a licensed medical examiner selected by the City, to ensure ability to perform essential duties of the job;
- F. Agree to alcohol and drug screening tests, including random testing;

- G. Satisfactorily complete any interviews, examinations and performance tests, if required because of job duties;
- H. Show proof of United States citizenship, legal residence, or other documentation that establishes employment eligibility in the United States, as required by the Department of Justice;
- I. Possess a valid Texas driver's license and have an acceptable driving record in compliance with City policy, where applicable, unless waived by the City Manager; and
- J. Meet minimum requirements of the position description for which employment is sought and submit to all other employment procedures administered by the Human Resources Department.

2.05 PUBLIC POSITION ANNOUNCEMENTS

2.05.01 Public announcements of position openings at the City for which there will be competitive consideration are disseminated by the Human Resources Department in the manner most appropriate for the particular position being filled. As outlined in Section 3.02.20, Department Directors wanting a new position within their department must submit justification to the City Manager and to City Council who must approve the position before allowing it to be posted for recruitment.

2.05.02 Current employees may apply for positions for which they believe themselves to be qualified assuming their qualifications are essentially equal to outside applicants and the employee has a consistent record of good performance. 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 range approved by the City Council for the transfer position and sufficient funds are available in the receiving department's budget.

2.05.03 The length of time during which applications will be accepted for a given vacant position will be determined by the Human Resources Department in accordance with the circumstances that exist at the time.

2.06 EMPLOYMENT OF RELATIVES (NEPOTISM)

2.06.01 Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the City.

2.06.02 In accordance with Article XIV, Section 14.01 of the Charter, no person may be hired who is related within the second degree of affinity (marriage) or within the third degree by consanguinity (blood) to the Mayor, to any City Council Member or to

the City Manager. No person may continue in City employment who is related in one of the prohibited degrees unless the employee is currently employed by the City and has been employed continuously by the City for a period of at least six (6) months prior to the election or appointment of said official or the person serves in an unpaid capacity with the City.

2.06.03 In addition, in the interest of effective management, no personnel action will be taken that would result in any employee supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the Supervisory employee.

2.06.04 Employees who are in a personal relationship with one another defined as being married, dating, cohabitating or involvement in any type of intimate or sexual relationship shall not be allowed to work within the same department or division.

2.07 DISQUALIFICATIONS

2.07.01 An applicant is disqualified from employment by the City if he or she:

- A. Does not meet the minimum qualifications for performance of the duties of the position involved or cannot be medically certified by the pre-employment medical examination and drug test that the individual is physically fit and/or able to perform the essential functions of the job;
- B. Knowingly has made a false or deceptive statement on the application form;
- C. Has committed fraud during the selection process;
- D. Is not legally permitted to hold the position;
- E. Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
- F. Is not able to perform the essential functions of the position;
- G. Has failed to submit the application to the designated place or within the prescribed time limit;
- H. Has failed to produce within three (3) days of employment original legal document(s) that establish identity and employment eligibility; or
- I. Does not have an acceptable driving record for positions that require operating a vehicle.

2.08 AMERICANS WITH DISABILITIES POLICY

POLICY

2.08.01 The Americans with Disabilities Act (ADA) is a federal law which requires employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

2.08.02 It is the policy of the City of Murphy to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is City policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

2.08.03 When an individual with a disability requests accommodation and can be reasonably accommodated without creating an undue hardship or causing a direct threat to workplace safety, he or she will be given the same consideration for employment as any other applicant. Applicants who pose a direct threat to the health, safety and well-being of themselves or others in the workplace when the threat cannot be eliminated by reasonable accommodation will not be hired.

2.08.04 The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation or if the accommodation creates an undue hardship to the City. Supervisors and employees should contact human resources (HR) with any questions or requests for accommodation.

2.08.05 All employees are required to comply with the company's safety standards. Current employees who pose a direct threat to the health or safety of themselves or other individuals in the workplace will be placed on leave until an organizational decision has been made in regard to the employee's immediate employment situation.

2.08.06 Individuals who are currently using illegal drugs are excluded from coverage under the company ADA policy.

2.08.07 The HR department is responsible for implementing this policy, including the resolution of reasonable accommodation, safety/direct threat and undue hardship issues.

PROCEDURE

2.08.08 An applicant and/or employees are fully responsible for providing the request for accommodation when needed. The request form may be found in the Human Resources Department and on the City intranet. Any request for accommodation must be reasonable based upon the employee's job description and the operational needs of the department and organization. Accommodation requests which do not cause an undue hardship, a threat to safety and will enable the applicant or employee to perform the essential functions of the position will be granted. Each request will be evaluated on the aforementioned criteria. The review and coordination of any request for accommodation for a disability will be limited to those who have a need to know.

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

2.08.10 The requestor will be provided the status of the request within seven (7) business days. Generally, the time frame for processing a request, notifying the requester of the outcome, and providing accommodation is as soon as possible but no later than 30 business days from the date the request is made, absent extenuating circumstances (e.g. delayed receipt of documents). Extensions may be required contingent upon the complexity of the request. A need for extension will be provided in writing by the ADA Coordinator to the applicant or employee.

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

DEFINITIONS

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

2.08.13 As used in this ADA policy, the following terms have the indicated meaning.

- A. Disability: A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such an impairment, or being regarded as having such an impairment.

- B. Major life activities: Term includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
- C. Major bodily functions: Term includes physical or mental impairment such as any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin and endocrine. Also covered are any mental or psychological disorders, such as intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness and specific learning disabilities.
- D. Substantially limiting: In accordance with the current regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, may also be considered a disability.
- E. Direct threat: A significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.
- F. Qualified individual: An individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.
- G. Reasonable accommodation: Includes any changes to the work environment and may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, telecommuting, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.
- H. Undue hardship: An action requiring significant difficulty or expense by the employer. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:
 - I. The nature and cost of the accommodation.

- J. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
- K. The overall financial resources of the employer; the size, number, type and location of facilities.
- L. The type of operations of the company, including the composition, structure and functions of the workforce; administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
- M. Essential functions of the job: Term refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.
- N. The examples provided in the above terms are not meant to be all-inclusive and should not be construed as such. They are not the only conditions that are considered to be disabilities, impairments or reasonable accommodations covered by the ADA policy.

2.09 HEALTH AND FITNESS

2.09.01 It is the continuing responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential duties of his or her position. An employee who becomes aware of a medical or mental disability which may affect his or her ability to perform the essential duties of his or her assigned position must inform his or her immediate Supervisor and/or Department Director. When it is suspected that the health condition of an employee constitutes a hazard to persons or property, or prevents the employee from effectively performing his or her essential assigned duties, the employee may be required to submit to a health examination. Authorization for disclosure of all reports to the City, including contacting and discussing health-related issues with any licensed medical professional shall be a condition of continued employment with the City. The City also may require that the employee return to a licensed medical professional for additional evaluation or information.

2.09.02 A Department Director or the Human Resources Department may require an employee to take periodic mental or physical examinations to maintain continued eligibility for employment in his or her classification and failure to comply may result in disciplinary action. Authorization for disclosure of all reports to the City shall be a condition of continued employment with the City. The Human Resources Department shall develop, promote and assist Department Directors in implementing those programs and procedures necessary to maintain the required level of physical and/or mental health fitness in those departments and/or positions where such fitness is conditional to employment and job performance.

2.09.03 If an employee is unable to perform the essential duties of his or her assigned position because of disability as defined by the Americans with Disabilities Act, reasonable accommodations may be made by the City to provide for the employee to perform such duties. If a reasonable accommodation cannot be made and the employee is unable to perform the essential duties of his assigned position, he or she may be terminated.

2.10 PRIOR SERVICE WITH THE CITY

2.10.01 Consideration for reemployment of any former employee may be granted to those applicants who can demonstrate acceptable prior service and were not involuntarily terminated. If reemployment occurs within sixty (60) days from the original termination date, the employee will be reinstated with their original hire date, seniority, longevity and rate of pay (same rate of pay if reinstated to same position). All personal leave banks will be reset to zero hours upon reinstatement. Employees who are not considered eligible for rehire will not be considered for reemployment.

2.11 QUALIFICATIONS

2.11.01 The City maintains position descriptions that establish the required knowledge, skills, essential functions and abilities for each City classification and the minimum levels of experience and training for each. The position descriptions set forth the minimum acceptable knowledge, skills and abilities that are required to fill the positions. The Department Director and Human Resources Department establish and annually review the official position descriptions for positions in the City. The City reserves the right to alter or amend position descriptions at any time without prior notice. Employees are provided copies of their current position descriptions immediately upon being hired and/or as position descriptions are amended.

2.12 TESTING

2.12.01 Except for drug tests, medical examinations, psychological tests, and any other test that may be required by state law or these policies, the only performance tests that may be administered for employment or promotion purposes will be specifically job related. Other job related tests that might be conducted include typing, operating a computer, operating a piece of equipment, lifting something heavy required in the job, tabulating columns of numbers or writing samples. The City may conduct pre-employment qualification testing for certain jobs. The tests vary based on the required qualifications for the particular position. Accommodations may be made for applicants with a disability if a request for such an accommodation is reasonable and made in advance of a test.

2.13 PHYSICAL STANDARDS

2.13.01 All prospective employees are required to undergo a medical examination and/or a drug test after a conditional offer of employment has been extended. In each instance, the examining doctor will be provided a copy of the appropriate position description and will be required to certify that the prospective employee is physically able to perform the essential duties of the job. Back x-rays may be required for certain job classifications.

2.13.02 In addition, prospective new employees for active specified police officer and firefighter classifications must undergo an examination by a licensed psychologist or psychiatrist of the City's choice to be paid for by the City.

2.13.03 All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the Human Resources Department has access to employee medical records.

2.14 SELECTION

2.14.01 Except for appointments reserved to the City Council by the Charter, Statute or Ordinance, the City Manager has exclusive authority to select and employ all City employees. The City Manager may authorize Department Directors to appoint and remove employees within their departments, subject to approval by the City Manager and within the limits of these policies and the City's budget. Other Supervisors may be asked for recommendations as appropriate.

2.14.02 Neither the City 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 City Council or its members may express freely to the City Manager their views and opinions on such matters, subject to Section 3.08 of the Charter.

2.14.03 Vacancies are filled by promotion, by transfer, or by competitive interview/selection, on the basis of merit as demonstrated by any combination of the following: job-related test performance, education, experience, and personal interview. Selections are made by the City Manager, Department Director or Supervisor authorized by the City Manager to make the selection.

2.15 ORIENTATION AND TRAINING

2.15.01 New employees must report to the Human Resources Department during their first week of employment in order to fill out employment forms and go through new employee orientation. Before an individual begins performing his or her actual duties, he or she will be given a brief orientation by the Human Resources Department and the Supervisor for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand better his or her job and the relationship of the job to the overall operation of the City. During the orientation, employees are given a copy of these Personnel Policies and are given information about the City benefit programs. Employees are provided a copy of their position description and are given the opportunity to review and ask questions of their Supervisor as part of the orientation process.

2.16 CONFIDENTIALITY OF ADDRESS OR TELEPHONE STATUS

2.16.01 Each employee shall choose whether the City may disclose to the public the employee's home address, home telephone number, social security number, driver's license number or whether the employee has family members. Such election shall be made in writing, within the first fourteen (14) days of employment, or within fourteen (14) days of termination of employment. This requirement does not apply to police officers, whose addresses and telephone numbers are not public information. Employees may revoke their elections for non-disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the Human Resources Department.

2.17 PROBATIONARY PERIOD

2.17.01 Every new employee goes through an initial period of adjustment in order to learn about the organization and about his or her job. During this probationary period the employee will have an opportunity to find out if he or she is suited to, and likes, his or her new position.

2.17.02 The probationary period gives the employee's Supervisor a reasonable period of time to evaluate his or her performance. New employees are required to serve a probationary period of six (6) months, except for certified Police and Fire personnel, for whom the probationary period is twelve (12) months.

2.17.03 As with all periods of employment with the City, an employee may be terminated at any time, with or without cause and without prior notice, during this period. At the end of the probationary period, the employee and his or her Supervisor will discuss the employee's performance. Provided his or her job performance is satisfactory at the end of the probationary period, he or she may, at the discretion of the Supervisor, continue in the City's employment as an at-will employee. The probationary

period may be extended up to an additional ninety (90) days if the Department Director and City Manager determine such an extension is warranted.

2.18 PERSONNEL FILES

2.18.01 Personnel records, except medical records, are maintained by the Human Resources Department. Medical records are kept in a separate confidential file also maintained by the Human Resources Department.

2.18.02 Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are exempt 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 Human Resources Department.

2.18.03 An employee may examine the employee's own personnel file upon request during normal working hours in the Human Resource office. The employee may request copies of items or materials in his or her personnel file, but may not remove anything from the file. A City representative will assist with and be in attendance during the examination of the employee's personnel file.

2.18.04 Employees shall inform Human Resources 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. Employees are required to re-verify this information with Human Resources annually.

2.19 PERSONNEL ACTION FORM

2.19.01 The Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting:

- A. Employment Category;
- B. Position Title and Classification;
- C. Other Actions Affecting the Employee's Status; and
- D. Salary.

2.19.02 The Personnel Action Form is completed on the employee's first day of work and again when there is any change in his or her status which relates to employment, salary or status. Each Personnel Action Form becomes a permanent part of the employee's personnel file.

2.20 CONTENTS OF PERSONNEL FILES

2.20.01 An employee's official personnel file may contain the following:

- A. An employment record;
- B. A copy of the employee's application for employment/resume;
- C. A copy of the employment offer and letter of acceptance, if applicable;
- D. A signed copy of the employee's acknowledgment of having received a copy of the Personnel Policies and Procedures;
- E. Employee's position description(s);
- F. Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;
- G. Personnel Action Forms;
- H. Records of any citations for excellence, awards for good performance, or job-related training/education;
- I. Records of disciplinary action(s);
- J. Performance evaluations;
- K. Copies of any grievances and related materials;
- L. Any other pertinent information having a bearing on the employee's status; and
- M. Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

2.21 TRAINING AND DEVELOPMENT/EDUCATIONAL ASSISTANCE

2.21.01 Training and employee development programs for City employees will be directed toward skill development, knowledge enhancement, and enrichment and/or performance improvement. Such training is recognized to be in the best interests of the employee and the City. Employees are required to contact their Supervisor in reference to any training and development opportunities they feel would be beneficial to their position. All training is subject to approval by the Department Director and/or the City Manager.

2.22 OUTSIDE EMPLOYMENT ACTIVITIES

2.22.01 Employees may not engage in any outside employment activity or enterprise that is determined to be inconsistent or incompatible with employment with the City or to adversely affect the employee's job performance.

2.22.02 An employee who wishes to engage in such activity must prepare a full and complete written request describing the employment activity or enterprise for which permission is requested and must have the advance approval of his or her Department Director and/or the City Manager to engage in any outside employment, including self-employment. City approval of an outside employment activity or enterprise may be withdrawn at any time if, in the discretion of the City Manager, such outside employment or enterprise is negatively impacting the employee's performance of duties for the City or if a conflict of interest or appearance of impropriety arises in connection with the outside employment or enterprise. Department Directors are prohibited from engaging in any form of secondary employment except as may be specifically approved by the City Manager.

2.22.03 The City of Murphy is considered primary employment and the outside job is secondary employment. At no time should secondary employment interfere with primary employment or be done during the course of primary employment. An employee who performs duties relating to his or her secondary employment while on duty with the City will be subject to discipline up to and including termination of employment.

2.22.04 If a City employee is injured on the job in the course of employment outside of his or her employment with the City, the employee must notify their Supervisor and Department Director and cannot file a workers' compensation claim against the City for benefits related to the injury, regardless of the fact that the City Manager may have approved the outside employment.

2.22.05 An employee shall not perform any outside work at any time when the employee is on leave from the City for paid work-related injury leave, sick leave or paid or unpaid family and medical leave. An employee shall not perform any outside work within eight (8) hours after the employee's missed work period with the City due to the employee's illness or injury. Continuation of secondary employment approved by the City Manager or the appropriate Department Director must be approved by the Human Resources Department when an employee has been injured in the course and scope of City employment.

2.22.06 No employee shall identify himself or herself with his or her position, department or the City of Murphy in:

- A. The course of a sale or solicitation for sale of any goods or services; or
- B. The advocacy of any policy, practice, standard or position not officially sanctioned by the City.

2.22.07 An employee of the City of Murphy who holds an office of emolument, or position of honor, trust or profit shall be subject to the provisions of the Texas Constitution, Art. XVI, § 40.

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3.00 WAGE AND SALARY ADMINISTRATION

3.01 COMPENSATION PLAN

3.01.01 The purpose of the City's compensation and salary administration program is to support the City's goal of attracting and retaining top quality talent through an effective pay system. The City's policy is to provide compensation that is competitive with the similarly sized and situated surrounding municipal labor market and that will motivate and reward high-level performance.

3.01.02 The compensation and classification system, when properly maintained in accordance with the competitive labor market, will be dynamic rather than static. Salary ranges established for any given year are best maintained if adjusted each year to reflect the movements of pay rates occurring in the competitive marketplace.

3.01.03 Each classification (except sworn police and fire) is assigned to a grade level within the pay plan. The plan specifies a minimum, midpoint and maximum pay rate within each pay grade. The City Council, as part of its annual budget process, considers the allocation of funds for pay plan market adjustments and merit increases.

3.01.04 The compensation plans for fire and police personnel are located within each department. Per approval by City Council, step movement within these specific pay plan step structures is outlined in a department directive as determined by the respective Department Chief.

3.01.05 Salaries and benefits for the City Manager, City Secretary and Municipal Judge are established by the City Council and may not be subject to the Compensation Plan.

3.02 COMPENSATION ESTABLISHMENT

New Employees

3.02.01 Department directors should consult with Human Resources to determine the pay rate for a new hire, taking the following factors into account:

- A. Salaries paid to current employees in the position;
- B. Qualifications of the selected candidate compared to the qualifications of current employees in the same classification;
- C. Department budget.

3.02.02 An offer of initial compensation within the first quartile of a salary grade is the pay range for a candidate meeting the basic requirements of the job. Department Directors can make offers within the first quartile of the grade.

3.02.03 An offer of initial compensation within the second quartile of a salary grade is the pay range for a candidate exceeding the basic requirements of the job because he/she has some experience in the job. The Human Resources Director must approve offers in the second quartile of the grade.

3.02.04 An offer of initial compensation above the midpoint of a salary grade is the pay range for a candidate exceeding the basic requirements of the job because he/she has significant experience in the job. In addition to the Human Resources Director, the City Manager must approve offers above the midpoint.

Promotions

3.02.05 A promotion occurs when an employee moves to a position in a higher salary grade than his/her current position that requires higher qualifications and involves greater responsibility. No promotions shall be made solely upon the basis of seniority or longevity. Employees who are able to perform the essential functions of the position, with or without reasonable accommodation, and meet the minimum qualifications for a position may be eligible for consideration for a promotion if and when a vacancy occurs.

3.02.06 Promotions include a pay increase. The employee's new pay rate must be at least the minimum of the new salary grade. Approvals of pay rates for promotions follow the same guidelines as Pay Rates at Hire (See Section 3.02.01). All promoted employees will serve another probationary period and may be terminated or reassigned to a lower position, if available, at any time if performance is unsatisfactory as determined by the Department Director. Probationary periods for promotions will be six (6) months in length, after which time the employee will receive a performance evaluation.

Interim Assignments

3.02.07 Upon the resignation or separation of an employee, the Department Director and Human Resources will determine if an interim assignment is needed. If it is determined that an interim assignment is needed and that it can effectively be assigned internally to a qualified existing employee, Human Resources and the Department Director will notify the selected employee of their temporary promotion. To receive a pay increase for a temporary promotion, an employee must have worked (or be scheduled to work) for a minimum period of thirty (30) calendar days in the temporary position. The employee's new pay rate must be at least the minimum of the new salary grade or an increase of five (5) percent, whichever is greater. Pay increases are retroactive to (or effective on) the date of the temporary promotion. The employee must be qualified to perform and must actually perform the full range of duties of the

higher level position required during the temporary promotion in order to be eligible for the additional compensation.

3.02.08 When an employee returns to his or her regular job assignments, upon the completion of a higher level interim assignment, the employee's compensation shall return to that employee's regular rate of pay prior to his interim assignment, including any increases that may have been given during the timeframe in which the employee was working an interim assignment.

Lateral Transfers

3.02.09 A lateral transfer occurs when an employee moves to a different position in the same salary grade as his/her current position. A lateral transfer does not include a pay increase. Lateral transfers may be made within the same department or between departments if a vacant position is available, if the employee meets the minimum qualifications for the job, and if the employee can perform the essential functions of the position, with or without reasonable accommodation. A lateral transfer may be requested by either an employee, by the Department Director for whom he or she will work if transferred, or by the City Manager. If a position is reclassified resulting in a lateral transfer, no pay adjustment will take place. A lateral transfer is not allowed for employees still within their probationary periods.

Demotions

3.02.10 A demotion occurs when an employee moves to a job in a lower salary grade. This may occur for the following reasons:

- A. Disciplinary action;
- B. Departmental reorganization resulting in a reduction in duties and responsibilities;
- C. Employee-initiated request approved in writing by the requesting employee's immediate supervisor and appropriate department director(s); or
- D. An employee applies for and obtains a City position that is in a lower grade.

3.02.11 All demotions are subject to a reduction in base pay. The employee's new pay rate must be at least the minimum of the new salary grade. Approvals of increased pay rate within the new grade for demotions follow the same guidelines as pay rates at hire (See Section 3.02.01).

Merit Pay Rate Increases

3.02.12 If, during budget deliberations, Council approves a merit pay rate increase percentage for employees, the pay increase will take effect the first day of the first pay

period of the fiscal year the raise was approved for unless an alternate payout schedule is directed by Council.

3.02.13 With the exception of Police and Fire whose percentage received is awarded per the requirements and provisions of their step plan, the percentage increase each employee will receive will be directly correlated to the overall rating on their last performance evaluation which must have been given prior to the scheduled pay out date.

- A. If an employee receives an “exceptional” overall rating, they are eligible for up to 130% of the merit pay rate increase percentage approved by City Council for that budget year.
- B. If an employee receives an “acceptable” overall rating, they are eligible for up to 100% of the merit pay rate increase percentage approved by City Council for that budget year.
- C. If an employee receives an “unacceptable” overall rating, they are not eligible for the merit pay rate increase percentage approved by City Council for that budget year. This score also requires that the employee be placed on a Performance Improvement Plan. The employee is not eligible for a pay increase again until the following budget year if merit increases are approved by Council.
- D. Employees whose pay reaches the maximum of their salary range receive lump sum payments that totals the percentage increase they would have received instead of an increase to their base pay rate. Employees also receive lump sum payments for any portion of a pay rate increase that would cause the employee’s pay to exceed the maximum. If any employee is above the maximum of their range at adoption of the pay plan, this provision does not apply to them. The employee must transitionally reach the maximum of their grade to receive the lump sum payment.

Compensation Structure Adjustments

3.02.14 The City is committed to competitive compensation and, on an annual basis, will review ten (10) classifications with exact job detail matches from five (5) similarly sized and situated cities within the surrounding DFW labor market. Human Resources will present the labor market review findings during budget deliberations and based on this review, subject to budget availability and Council approval, adjustments to the salary structure may occur.

3.02.15 When a merit pay rate increase occurs in the same fiscal year as a salary structure adjustment, the increase is applied to employees’ base pay first. Then, any employee whose pay rate is below the new salary grade minimum will have his/her base pay raised to the new minimum of the grade.

Reclassification

3.02.16 Reclassification occurs when an existing job title moves from one salary grade to another. This may happen because of substantial changes in duties, required knowledge level, effect on City operations, accountability, and/or other relevant factors. The department desiring the reclassified position must submit requests in writing to Human Resources who will obtain final approval from the City Manager. The request must include the rationale for the proposed change and a new/revised position description.

3.02.17 Examples of eligible reasons for reclassification include, but are not limited to:

- A. Duties of an existing position being combined with a vacant position of another classification;
- B. Significant increase in responsibility due to additional programs, facilities, or requirements being assigned that are not part of the job duties currently performed and/or stated in the existing job description; or
- C. Other reasons of business necessity.

3.02.18 Examples of reasons that are not eligible for reclassification include, but are not limited to:

- A. Changes in local, state, or federal law that require title changes in certifications, but do not change certification levels or otherwise substantially change the qualifications for the position.
- B. Increases in volume of work load;
- C. Rewarding personal achievements of employees not required by their jobs (i.e., obtaining degrees, certificates, skills, etc. above those required by the job);
- D. Rewarding performance;
- E. Rewarding length of service;
- F. Attempting to increase range maximums for employees because their salaries are at or near their current range maximums;
- G. Creating jobs to accommodate or reward specific skill sets, personal preferences, or individual interests of employees that are not required by their jobs;
- H. Requesting higher grade assignments for vacant positions without accompanying changes in assigned job duties;

- I. Requesting higher grade assignments to placate dissatisfied employees without valid job-related reasons;
- J. Requesting review repetitively without accompanying changes in assigned job duties.

Job Titles and New Classifications

3.02.19 Job titles are descriptive of the duties performed, skill required and organizational level. Each employee will be properly classified under an established job title which will be used on all payroll and personnel records. An employee's classification shall not be changed unless a transfer, promotion or demotion occurs, or a study of the job results in a reclassification.

3.02.20 To propose a classification that does not currently exist in the City's classification structure, the department must work with Human Resources to:

- A. Create a Job Description; and
- B. Determine appropriate salary grade and funding level.

3.02.21 All new classifications that require new funding and that does not result from a reclassification must be approved by City Council. After final approval is received, Human Resources will begin recruiting for the new position.

3.03 EMPLOYEE PERFORMANCE EVALUATIONS

3.03.01 Supervisory personnel will conduct a written performance evaluation and an oral evaluation with each City employee at least once annually, pursuant to Section 4.06 of the Charter.

3.03.02 Performance evaluations have the primary purpose of improving the employee's understanding of his or her progress on the job and the Department Director's understanding of the employee's viewpoints about factors that affected his or her performance during the period covered by the evaluation. Scheduled evaluations provide a required opportunity to assess progress and to plan for future performance improvements, but should never replace day-to-day communication between Department Director and employee regarding performance expectations and actual performance.

3.03.03 The performance evaluations are used for development purposes in identifying strengths and weaknesses and making plans for future performance improvements. Additionally, performance evaluations will be used when considering any merit increases for employees. The City Manager makes the final decision

regarding awarding performance increases provided that the City Council has authorized funds available for performance increases in the annual budget.

3.03.04 Performance evaluation records are maintained in each employee's personnel file.

3.04 CERTIFICATION PAY

3.04.01 Eligible full-time sworn Peace Officers, Firefighters and licensed Telecommunicators may receive additional compensation per month for each qualifying certificate obtained above the "basic level" within their respective professions. The amount of such compensation shall be determined as part of the annual budget and will be included in the employee's regular rate of pay. Certificates must be obtained from appropriate State certification agencies and/or recognized professional associations and must be maintained in an active status. Certificates also must be directly related to the employee's present job duties and functions and will not be paid if the certification is a minimum qualification for the employee's current position. Certification pay is subject to annual funding and adoption of such funding within each fiscal budget.

3.05 ACTING STATUS/STEP-UP PAY

3.05.01 No pay increase shall be provided for acting status except as required by law. An employee may be assigned to an acting status position, typically for a position that has not been vacated, on a short-term basis when he or she is assigned duties of another position. An employee who has been assigned to an acting status position shall not receive additional compensation except as provided by law.

3.05.02 Per the Texas Local Government Code Title 5, Section 141.033, a sworn Peace Officer or Firefighter who is required to perform the duties of a particular classification is entitled to be paid the salary prescribed for that position during the time the member performs those duties. Accordingly, these employees shall be compensated with step-up pay for the additional duties and responsibilities of the higher level position at an increase of five (5) percent of the employees base step rate or step one (1) of the higher level position pay grade, whichever is greater, for the duration of time performing the higher level duties.

3.06 ADMINISTRATIVE WORKWEEK OR WORK PERIOD

3.06.01 Normal working hours for full-time non-public safety employees are Monday through Friday, 8:00 A.M. to 5:00 P.M. with one (1) hour for lunch, for a total of forty (40) hours per workweek. Some departments may work schedules that are different than the City's standard operating days/hours. Morning and afternoon breaks of fifteen (15) minutes each may be available to each employee if the break does not

interfere with City operations, but this time does not accumulate if not taken, and this time cannot be used to alter an employee's work hours. Breaks are a privilege and not to be abused. Certified Police and Fire suppression personnel, as well as personnel working in Communications, work shifts as assigned by their Department Director. Any changes in assigned work week shifts that impact total hours assigned per work week must be approved in writing by the City Manager.

3.07 PUBLIC SAFETY WORK PERIOD AND SCHEDULES

3.07.01 Employees of the City's police department work in shifts. The City has established a fourteen (14) day work period for its patrol officers. Patrol officers will earn overtime compensation for all hours worked above eighty (80) hours in a fourteen (14) day work period. Employees in the City's fire department work in twenty-four (24) hour shifts. In accordance with the exception allowable under Section 207 (k) of the Fair Labor Standards Act (FLSA), the City has established a twenty-one (21) day work period for its certified fire suppression personnel.

3.07.02 "Hours worked" for purposes of calculating overtime for non-exempt police officers include all hours when an officer is on duty including time spent performing work outside the officer's normal shift if the work is required by the City; time spent testifying in court or in an administrative proceeding if the time is controlled or required by the City, attendance is intended to benefit the City, or attendance is a direct result of the police officer's duties; and time spent in training activities required by the City. "Hours worked" does not include travel time to and from the officer's residence and work, on-call time unless the City places special restrictions on the officer's time so that he or she cannot effectively use the on-call time for his or her own purposes, time spent working for another employer, time spent substituting for another employee by mutual agreement, or time spent in volunteer law enforcement activities performed for a different jurisdiction.

3.08 EXPRESSION OF BREAST MILK

3.08.01 The Fair Labor Standards Act (FLSA) requires that nursing and adoptive mothers be provided a reasonable break time in order to express breast milk for her nursing child for up to one (1) year after the child's birth or adoption (as applicable) each time such an employee has a need to express the milk. The City will provide a private, secure location, other than a restroom, in the employee's building for this purpose. The space provided will be one that can be made available to the employee as needed, is shielded from view, and free from intrusion from co-workers or the public. The employee and her Supervisor will agree on the times for these breaks. In order to prepare such a designated space, the City requires advance notification (that an employee is requesting this break time) so that space can be designated and prepared within a facility. For the purposes of this policy, a written request directed to Human Resources will suffice. Human Resources will work with Facilities Maintenance and the Department Director to ensure that an adequate space is prepared and maintained for

the duration of the period of time expressing is requested. Breaks taken for the purpose of expressing breast milk will run concurrently, not in addition to, other breaks taken throughout the day.

3.09 EXEMPTIONS FROM FLSA

3.09.01 Certain executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind.

3.09.02 Extra hours worked by employees classified as exempt may be used as a factor in granting or denying paid leave other than vacation or sick leave.

3.09.03 Each City position description designates whether persons hired in that classification are exempt from or covered by (non-exempt) the overtime provisions of the FLSA.

3.09.04 Improper deductions from the pay of exempt employees are prohibited. If an exempt employee believes that an improper deduction from his or her salary has been made, a complaint should be made to the Finance Department. The Finance Department will investigate the complaint. Upon a finding that an improper deduction was made, the exempt employee will be reimbursed in the amount of the improper deduction and the City will make a good faith effort not to make future improper deductions.

3.10 TIME REPORTING

3.10.01 Employees must keep records of all hours worked and leave time taken and, where appropriate, hours credited to particular projects. Timesheets for this purpose are provided by the City.

3.10.02 In an attempt to ensure that all employees are being paid for all hours worked, employees will be required to sign a “no wages owed” form affirming that they are owed no unpaid wages either according to their regular rate of pay, compensatory time or overtime pay as a result of their employment with the City of Murphy, other than that amount which may be accrued during the ongoing payroll period as of the date of their signature. If the employee does not sign the form, an immediate discussion will commence between the employee, their Department Director and Human Resources about the alleged unpaid wages.

3.10.03 Time records must be signed by both the employee and the employee’s immediate Supervisor. It is recommended that these forms be completed after each

day's work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

3.10.04 Each Department Director is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the finance department as well as being recorded on the individual department's records. Additionally, each Department Director is responsible for making sure the City Manager signs and approves all timesheets that include paid administrative leave.

3.10.05 Exempt employees, as determined and classified by the City of Murphy per the United States Department of Labor guidelines, are not required to submit time sheets. When personal leave time is taken, exempt employees shall submit the leave time request and approval form to the finance department reflecting the type and amount of leave taken so it can be charged appropriately.

3.11 OVERTIME WORKED

3.11.01 Non-exempt personnel may be required to work hours in excess of their official established hours when necessary as determined by departmental management. Specific extra work assignments shall be rotated and allocated as evenly as possible among employees qualified to do the work. Employees are expected to respond to a reasonable request to work extra hours and may be subject to disciplinary action for failing to stay or report for such hours. Non-exempt employees are discouraged from working at any time, other than scheduled working hours, including taking work home and using electronic devices for purposes of work when off duty, unless authorized by the employee's Supervisor.

3.11.02 Non-exempt employees shall not be eligible for wages for accessing, reading and/or responding to City emails during non-working hours, unless specifically told to and/or approved in writing, in advance by their supervisor. The existence of smart phone devices allowing for the delivery of such City emails does not negate regular work hours. Any non-exempt employee specifically authorized to access City email outside of regular work hours by a supervisor must record their time on their timesheet. The employee must keep a log of the date, time and duration of each call or email communication in excess of 10 minutes, including the purpose of the call or email. Employees are to be as descriptive as possible and include the subject and other party included in the communication. The logged information must be added to the employee's time sheet in order to be considered for compensation. Phone logs may be audited regularly.

3.11.03 Overtime is defined as hours worked in excess of forty (40) hours per work week for all non-exempt employees, excluding non-exempt certified police and shift assigned fire suppression personnel (See Section 3.07). Holiday time counts as "hours worked" for purposes of calculating overtime for all employees. No other leave type is included for purposes of calculating overtime for any employee. For purposes of

calculating the number of hours worked in a week, the City workweek is from Saturday 12:00.00 A.M. to Friday 11:59:59 P.M. Non-exempt employees are compensated for overtime worked by being paid payment at the rate of one and one-half times the employee's regular hourly rate.

3.12 ON-CALL AND CALL-BACKS

3.12.01 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. The time an employee is designated to be "on-call", he or she is free to pursue personal activities, but is prohibited from consuming alcohol, illegal drugs, or any other substance (legal or illegal) that may impair the employee's ability to perform his or her duties in a safe and capable manner. Employees who are on-call will be required to have in their possession a working cell phone and respond immediately when notified to report to work. Response time should not exceed forty-five (45) minutes. The employee who is on-call is not restricted to a specific location provided he or she can meet the forty-five (45) minute response time.

3.12.02 When non-exempt City employees are assigned to be on-call for a particular week, the person(s) designated as on-call will automatically be paid for four (4) hours at the regular, straight-time hourly rate of pay for any on-call week and four (4) additional hours at the straight-time rate for any holiday during the on-call period. Should there be a second employee in the same department also scheduled for on-call, the second employee will also be paid two (2) hours at regular straight-time rate of pay for any on-call week and two (2) additional hours at the straight-time rate for any holiday during the on-call period.

3.12.03 The on-call period begins Saturday morning at the beginning of the workweek and ends the following Saturday at the same time. Refusal to report without sufficient justification or repeated non-availability for emergency service will result in disciplinary action, up to and including dismissal. All on-call assignments are subject to the approval of the City Manager or the employee's Department Director. The City Manager is hereby authorized to amend the standby policy from time to time to meet the financial, operational, and maintenance needs of the City.

3.12.04 Call-back pay is defined as being called back to work typically due to an unexpected situation that is not scheduled. A minimum of two (2) hours of pay will be given to non-exempt employees for call-back situations in which an employee was called back to work. If called back, compensation shall be paid for actual hours worked. Time spent traveling shall be counted as hours worked and will be compensable time. In the Police Department, any employee may be called back to duty, regardless of the hours assigned that employee, and will be paid according to the number of actual hours worked, with the exception of scheduled court appearances on off-duty time in which the minimum of two hours will be paid. Fire Department employees are subject to call-

back at any time in an emergency and are required to leave word with the department as to how they may be reached when not on duty. Since their use of this time is not effectively restricted, this time is not considered compensable work time.

3.13 EMERGENCY OPERATIONS STAFFING

3.13.01 During disasters and other emergencies, the City of Murphy is called on to provide for the safety of its citizens and the security of facilities. The City releases non-essential personnel when appropriate, and essential personnel from disaster/emergency duties after emergency status has ended.

3.13.02 Employees will be allowed to secure their families and property as scheduled by the Department Director, or designee, and to use vacation or personal leave, if any, or leave without pay if paid leave is exhausted, for that purpose.

3.13.03 All actual hours worked by non-exempt employees over 40 hours in the established 7-day work period shall be compensated at the overtime rate of one and one-half the employee's hourly rate.

3.13.04 City employees will be required to report to work during any emergency/disaster affecting the City of Murphy, to include but not limited to civil disturbance, tornado, earthquake, flood, ice storm, fire, chemical accident including a hazardous material spill, possible public exposure to hazardous conditions, or other disasters which threaten the safety of Murphy citizens.

3.13.05 If an employee feels they have highly extenuating circumstances that would prevent them from reporting to work during a disaster, they are required to report this information to their Department Director at their earliest possible opportunity to apply for a waiver.

3.13.06 City employees will not be required to report to work if local government officials and/or the Authority Having Jurisdiction (AHJ) determine the existing conditions are too hazardous to travel or enter the affected area. City of Murphy officials and/or Department Heads may also contact employees to inform them not to report to work during a disaster if necessary. City employees should contact their supervisor and/or Department Head to clarify report to work instructions for any disaster response if uncertain.

3.13.07 Non-exempt employees who report under these circumstances, and who are subsequently released from duty due to emergency conditions, shall be paid:

- A. Minimum of three (3) hours at the regular rate of pay, or for the number of actual hours worked, whichever is greater, and
- B. Allowed to use accrued vacation, available personal leave or leave without pay, if paid leave is exhausted, to cover work hours missed during that work period.

3.13.08 Upon a state or federally declared disaster, exempt employees whose presence is essential and who work during the emergency shall receive a temporary 25% increase based on their bi-weekly salary. This temporary increase will remain in effect until the next pay period and shall terminate at the beginning of the new pay period provided the City has resumed normal operations.

3.14 PAYDAYS

3.14.01 The pay period for the City is bi-weekly, twenty-six (26) times per year. If the payday falls on a Holiday, checks will be issued the last working day preceding the holiday. Paychecks will not be issued other than on the days set out above without the City Manager's approval.

3.15 CHECK DELIVERY/DIRECT DEPOSIT

3.15.01 Participation in the direct deposit program is mandatory for all City employees. Direct deposit is allowed for up to two different accounts at any financial institution that is part of the Federal Reserve System. Forms are available in the Human Resources Department for those who need to make changes to their direct deposit. Only two direct deposit changes are allowed per year unless approved by the City Manager. All changes must be reported at least one (1) week prior to beginning of the pay period of which the employee wishes the change to be effective. Exceptions will be made for extenuating circumstance only. Direct deposit paystubs are distributed to individual employees via electronic transmission. No salary advances or loans against future salary will be made to any employee for any reason.

3.15.02 Employees must bring any discrepancy in their paychecks (such as overpayment, underpayment, or incorrect payroll deductions) to the Department Director's attention immediately upon discovery. If an employee does not understand how to figure his or her pay or how to read his or her paystub, help should be sought from the Finance Department after contacting the Department Director. Failure to report any discrepancy may result in disciplinary action.

3.16 PAYROLL DEDUCTIONS

3.16.01 The following deductions made from employees' pay checks are either required by Federal or state law or approved and authorized by the City Council.

A. Required Federal/state deductions:

1. Medicare;

2. Federal income taxes;
3. Social Security taxes (part-time employees only);
4. Court ordered child support; and
5. Any other deductions required by law.

B. Deductions approved by City Council:

1. Texas Municipal Retirement System contributions; and
2. The portion not paid by the City of group health/medical and life insurance premiums for employees and dependents.

C. Additional Allowable Deductions:

1. Voluntary deductions for 457 retirement plan contributions;
2. AFLAC premiums; and
3. Police and Fire Membership Association Dues.

3.16.02 If there is a change in the employee's family status, address, or any other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the Human Resources Department the appropriate forms for communicating these changes.

3.17 APPROVING AUTHORITY

3.17.01 The City Manager is the approving authority for all payrolls and payroll transfers granted under the terms of these policies and the annual budget. The City Manager approves performance pay increases provided that funds have been specifically set aside for that purpose by the City Council. Any performance increases granted by the City Manager must be consistent with these policies and the annual budget.

4.00 EMPLOYEE LEAVE

4.01 DEFINITIONS

4.01.01 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 either paid or unpaid as authorized by the City Manager. For purposes of all leaves, a day is defined as eight (8) hours for all employees except fire suppression personnel. A day is defined as twelve (12) hours for fire suppression personnel.

4.01.02 An unauthorized absence is one in which the employee is absent from regular duty without permission of the Department Director. Employees are not paid for unauthorized absences and such absences may lead to disciplinary action, up to and including termination. Only the City Manager can authorize usage of sick and/or vacation leave that has not accrued. In the event an employee leaves the City and has a negative balance of vacation and/or sick leave, that employee will be required to pay the City back in the final paycheck.

4.02 APPROVAL OF LEAVE

4.02.01 All leave taken by City employees must be approved in advance by the employee's Supervisor and Department Director. Copies of signed leave forms are sent to the Finance Department for recording on the central leave records.

4.02.02 Department Directors are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. In addition, Department Directors are responsible for ensuring that all vacation and sick leave usage is recorded on the timesheet sent to the Finance Department for payroll purposes.

4.03 HOLIDAYS

4.03.01 The City provides paid holidays to all full-time employees including new employees who are still in their new hire probationary period. Part-time employees are extended official holidays without pay. Holidays are days designated by the City when City offices are closed on what otherwise would be regular business days. The City Manager or designee shall submit a holiday schedule, not to exceed ten (10) days, to the City Council for approval by November 1 of each calendar year.

4.03.02 The following official holidays are observed:

- A. New Year's Day;
- B. Martin Luther King Day;
- C. Good Friday;
- D. Memorial Day;
- E. Independence Day;
- F. Labor Day (all city employees except fire personnel);
- G. Patriot's Day (fire employees only);
- H. Thanksgiving Day;
- I. Friday following Thanksgiving;
- J. Christmas Eve; and
- K. Christmas Day.

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

4.03.04 A holiday is a period of eight (8) hours, paid at the employee's regular rate, except in the case of twenty-four (24) hour Fire Department shift employees where the holiday is twelve (12) hours.

4.03.05 Part-time employees are not paid for holidays except for holiday hours actually worked.

4.03.06 An employee who is absent without approved leave immediately preceding or following a holiday may be required to provide a note from a licensed medical professional. The note and circumstances surrounding the unapproved leave will be reviewed, however, the City could still determine that the employee will not be paid for the holiday.

4.03.07 Employees wishing to observe religious or other holidays not listed herein shall at their option be given time off without pay or have the time charged to vacation, personal day or holiday leave time, if available.

4.03.08 Accrued holidays will be paid out upon termination.

4.04 WORK DURING HOLIDAYS

4.04.01 It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts on an “around the clock” operation. With the approval of the City Manager, a Department Director who finds it a business necessity to do so may direct some or all employees of the department to report for work on a holiday. Non-exempt employees required to work on holidays will be paid time and a half (1.5) times their regular rate of pay in addition to receiving holiday pay equivalent to a standard workday. This does not apply to non-exempt sworn officers, firefighters scheduled to work twenty-four (24) hour shifts or employees in the Communications Department.

4.04.02 Fire Department employees who work twenty-four (24) hour shifts will accrue twelve (12) hours of holiday leave for each holiday worked. Use of this accrued time will be subject to the same rules as apply to the taking of vacation time. Holiday time must be used prior to the next occurrence of the holiday for which the time was accrued or the holiday time will be lost. Non-exempt, sworn officers in the Police Department, Animal Control Officers and employees in the Communications Department who work on holidays will accrue holiday time. Use of this accrued time will be subject to the same rules as apply to taking of vacation time. Employees cannot accrue more than eighty (80) hours of holiday time per calendar year, accordingly, accrued holidays must be used prior to the next occurrence of the holiday for which the time was accrued or the holiday will be forfeited.

4.05 HOLIDAY DURING VACATION

4.05.01 If an official holiday falls within a regular employee’s vacation, the employee will be granted the holiday and not charged for a day of vacation.

4.06 VACATION LEAVE

4.06.01 Vacation leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well-being of the individual. Vacation leave may also be used for purposes of attending to personal business, extension of sick leave when accrued sick leave is exhausted, inability to travel to work because of inclement weather or for other purposes.

4.06.02 Employees are expected to submit their preferred vacation schedule to the appropriate Supervisor at least two (2) weeks in advance in order to avoid any scheduling problems that may develop. Whenever possible, vacation time will be granted at the convenience of the employee; however, Department Directors must be certain that vacations do not interfere with the normal functions and activities of departmental operations. The Police and Fire Departments may have departmental policies concerning the scheduling of vacation. Vacation time requests, if not requested in advance, may be denied. Employees are charged with one (1) regular work day of vacation leave for each full day they are absent on approved vacation leave. Vacation

leave can be requested and used in one (1) hour increments for non-exempt employees. For employees who are exempt from FLSA under the executive, administrative, or professional categories, accrued vacation leave will be used in four (4) hour increments for a partial day's absence on approved vacation leave. Exempt staff are not allowed to flex an entire day's absence for hours worked without prior written consent from the City Manager. The written documentation of approval from the City Manager shall be submitted to the Finance department for payroll record keeping purposes.

4.06.03 In the year of hire, full-time employees shall accrue vacation leave during their six (6) month probationary period, but vacation leave may not be used until after completion of this period. Eligibility for, and accrual rate of, vacation benefits is determined by length of service provided to the City as follows:

- A. Full-time employees with up to five (5) years of continuous full-time service with the City shall accrue vacation leave at a rate of 3.08 hours per pay period (4.62 hours per pay period for full-time firefighters). Full-time employees who have completed five (5) or more years but less than ten (10) years of continuous full-time service with the City shall accrue vacation leave at a rate of 4.62 hours per pay period (6.92 hours per pay period for full-time firefighters). Full-time employees who have completed ten (10) years or more of continuous full-time service with the City shall accrue vacation leave at a rate of 6.15 hours per pay period (9.23 hours per pay period for full-time firefighters). Part-time employees are not eligible to accrue vacation leave.

Employees Working 2080 Hours Per Year

Years of <u>Continuous</u> Service	Pay Period Accrual	Hours Per Year	<u>Maximum Accrued Leave Payout</u>
<i><u>Less Than Five (5) Years</u></i>	3.08 Hours	80 Hours	120 Hours
<i><u>Five (5) or More Years But Less Than Ten (10) Years</u></i>	4.62 Hours	120 Hours	160 Hours
Ten (10) Or More Years	6.15 Hours	160 Hours	200 Hours

Employees Working 2912 Hours Per Year

Years of <u>Continuous</u> Service	Pay Period Accrual	Hours Per Year	<u>Maximum Accrued Leave Payout</u>
<i><u>Less Than Five (5) Years</u></i>	4.62 Hours	120 Hours	180 Hours
<i><u>Five (5) or More Years But Less Than Ten (10) Years</u></i>	6.92 Hours	180 Hours	240 Hours
Ten (10) Or More Years	9.23 Hours	240 Hours	300 Hours

4.06.04 Vacation is paid at the employee's base rate at the time vacation leave is used and is paid only for hours the employee would ordinarily have worked. There is no maximum accrual amount of vacation leave. Any employee who terminates employment for any reason (voluntary or involuntary), that has successfully completed his or her initial probationary period of employment, shall receive pay for accumulated vacation time up to the maximum payout amounts indicated in the chart located in Section 4.06.03. Any remaining vacation leave balance is forfeited. Upon the death of an employee who had successfully completed his or her probationary period of employment, payment for accrued unused vacation leave shall be made up to the maximum payout amounts indicated in the chart located in Section 4.06.03 to the employee's beneficiary. Pay shall be at the employee's last regular rate of pay.

4.06.05 Vacation leave will not be authorized during the initial six (6) month probationary period for any employee, unless authorized by the City Manager. If the employee leaves employment with the City for any reason during the probationary period, he or she will not be entitled to payment for vacation leave.

4.06.06 All employees are required to take at least one (1) week of vacation time per year.

4.06.07 Vacation buyback is a benefit offered to employees which allows exchanging accrued unused vacation leave for payment. The employee is eligible for vacation buyback after five (5) years of service. Participation in the vacation buyback program is the employee's option. Provided the employee has taken at least one (1) full week of vacation leave during the most recent fiscal year (October 1 – September 30), he or she may exchange up to one (1) week of accrued unused vacation leave for pay at his or her effective hourly rate. The vacation time sold back to the City will be removed from the employee's accrual. One (1) week of vacation will be defined as forty (40) hours for all full-time employees and fifty-six (56) hours for Fire Department shift employees. All vacation buybacks are subject to funding and City Manager approval.

4.07 SICK LEAVE

4.07.01 The intent of sick leave is to prevent a loss of income to an employee who is absent due to an injury or illness which is not job related. Should such an injury or illness occur to an employee, continued income should be insured through the use of sick leave. Sick leave may also be used for maternity and paternity reasons.

4.07.02 Sick leave shall be accrued by all full-time employees, except full-time firefighters, at the rate of 3.08 hours per pay period (ten (10) days per year). Full-time firefighters shall accrue sick leave at a rate of 4.62 hours per pay period (fifteen (15) days per year). Sick leave begins accruing immediately for all new full-time employees. Part-time employees are not eligible to accrue sick leave.

4.07.03 Any accrued but unused sick leave shall be carried to the employee's credits for the following calendar year. The maximum number of hours that can be accrued is seven hundred twenty (720) hours (one thousand eighty (1080) hours for full-time firefighters).

4.07.04 After an employee's accumulated sick leave has been exhausted, accrued vacation leave may be used as sick leave with approval of the employee's Department Director, provided there has been no abuse of sick leave and that all provisions of the sick leave policy are met. When absence due to illness exceeds the amount of paid leave earned and authorized, the pay of an employee shall be discontinued.

4.07.05 Full-time employees are charged with one (1) regular work day of sick leave for each full day they are absent on approved sick leave. Sick leave can be requested and used in one (1) hour increments for non-exempt employees. For employees who are exempt from FLSA under the executive, administrative, or professional categories, accrued sick leave will be used in four (4) hour increments for a partial day's absence. Exempt staff are not allowed to flex an entire day's absence for hours worked without prior written consent from the City Manager. The written documentation of approval from the City Manager shall be submitted to the Finance department for payroll record keeping purposes.

4.07.06 Sick leave may be allowed in case of medical appointments, personal illness, physical incapacity of an employee or the employee's immediate family or to extend approved bereavement leave. Immediate family is defined as the employee's spouse, children, parents or a member of the household.

4.07.07 Employees who are absent due to illness for three (3) or more consecutive days may be required to provide their Supervisor with sufficient documentation from a licensed medical professional. At his or her discretion, the Supervisor may request documentation for any sick leave taken regardless of the amount of sick leave taken.

4.07.08 A Supervisor shall be responsible to notify the Human Resources Department when an employee is absent due to illness for more than three (3) consecutive work days so the time may be evaluated for family and medical leave status (FMLA). If an employee is taking FMLA medical leave, the employee's accrued sick leave will be debited for the leave taken.

4.07.09 Sick leave will not accrue if an employee is on an unpaid leave of absence.

4.07.10 Employees who become ill or are injured during vacation may request that sick leave be used instead of vacation time. At the Supervisor's discretion, employees may be required to provide sufficient documentation from a licensed medical professional.

4.07.11 Notice of employee absence due to a non job-related injury or illness must be given daily by the employee to that employee's immediate Supervisor or Department Director no later than thirty (30) minutes prior to the beginning of the employee's work shift or as may be prescribed by departmental policy. Notification means that the employee must actually speak to his or her immediate Supervisor unless emergency conditions arise in which time immediate family members must report the absence. Failure to do so may cause the employee's absence to be charged to leave without pay. Emergency situations which might prevent compliance with the provisions of this paragraph shall be taken into consideration by the Supervisor or Department Director.

4.07.12 Human Resources, Department Directors and Supervisors are authorized to undertake any investigations of sick leave claimed by an employee that they may deem necessary or to disapprove any claims not properly substantiated.

4.07.13 An employee who is released by an examining licensed medical professional to return to regular duty and refuses to report for work or perform his assigned duties is subject to disciplinary action, up to and including termination.

4.07.14 An employee on disciplinary suspension forfeits all claims to use sick leave for the duration of the disciplinary suspension.

4.07.15 Employees on Sick Leave, whether paid or unpaid, may not work a second job, including self-employment, or participate in volunteer work during the leave, even with written authorization from their Department Director to work a second job.

4.07.16 Accrued sick leave shall not be paid to any City employee upon separation from employment with the City with the exception of retirement. Employees hired prior to July 1, 2009 may be compensated for any accrued sick leave, not to exceed four hundred (400) hours (six hundred (600) for full-time fire suppression personnel) upon retirement from the City. Payout is subject to budget allocation and approval of the City Council upon recommendation from the City Manager. Employees hired after July 1, 2009 will not receive payout of any accrued sick leave upon retirement. City of Murphy retirement standards mirror what the current TMRS retirement standards are at the employee's date of retirement.

4.07.17 An employee who has exhausted all available leave balances may request a leave of absence without pay. All full-time employees who qualify for leave under the Family Medical Leave Act are eligible to use donated leave time from other employees provided they have exhausted all available leave balances. All full-time employees who are eligible to accrue sick leave are eligible to donate sick leave to be used by another employee. Employees may not donate more than forty (40) hours of their leave balance per year unless otherwise authorized by the City Manager. Employees wishing to request this benefit must sign an informed consent for the release of data form allowing the City to release their name when soliciting leave donations from employees. The nature of the medical condition or injury involved is private data and will not be disclosed. Employees are not eligible for shared leave without signing the consent

form. If the employee meets all requirements for the shared leave program, the request will be forwarded to the Finance Department and all employees will then be notified via email from the human resources department of the shared leave request.

4.08 BEREAVEMENT LEAVE

4.08.01 Full-time employees who suffer the loss of an immediate family member (spouse, parents, step-parents, children, step-children, foster children, brothers, sisters, parents-in-law, brothers/sisters in-law, grandchildren, grandparents, grandparents-in-law, sons/daughters-in-law, aunts and uncles) will be granted up to twenty-four (24) hours of Bereavement Leave with pay per occurrence. This benefit may also be granted in the case of the loss of any other relative living in the household. Employees may be authorized to extend their bereavement leave with their own personal sick leave accruals. Department Directors may require satisfactory documentation of eligibility and the relationship of the employee to the deceased (i.e.: spouse, parent, sibling, etc.) must be listed on the timesheet. Non-exempt fire suppression personnel work twenty-four (24) hour shifts will be eligible for a total of thirty-six (36) hours of bereavement.

4.09 JURY DUTY LEAVE

4.09.01 A full-time employee shall be granted paid jury leave when he or she is summoned for jury duty. The employee must notify his or her Supervisor upon receiving a summons for which jury leave is requested. A copy of the summons or any other paperwork must be submitted to the employee's Supervisor and attached to their timesheet. All fees paid and expenses reimbursed by the court may be retained by the employee.

4.09.02 When an employee has completed jury duty, he or she 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 for jury duty, he or she must notify the appropriate Supervisor daily at least thirty (30) minutes prior to the beginning of the workday.

4.10 VOTING

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

4.11 FAMILY AND MEDICAL LEAVE ACT (FMLA)

4.11.01 The City of Murphy follows the rules and procedures established by the Family and Medical Leave Act of 1993, as amended, and the Support for Injured Servicemembers Act of 2008. The City provides FMLA protections to all eligible employees to assure compliance with all Federal and/or state statutory requirements.

4.11.02 Any eligible employee will be granted up to twelve (12) weeks of unpaid family and medical leave during any payroll year, consistent with the terms of the Family and Medical Leave Act (FMLA) of 1993, as amended, and the Support for Injured Servicemembers Act of 2008. Such leave will be available for:

- A. The birth of the employee's child and in order to care for the child;
- B. The placement of a child with the employee for adoption or foster care;
- C. To care for a spouse, child or parent ("parent" does not include a parent-in-law) who has a serious health condition;
- D. A serious health condition that renders the employee incapable of performing the functions of the employee's job; or
- E. Leave associated with a military exigency or as a military caregiver.

4.11.03 The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve (12) months from the date of the birth or placement. Where possible, employees are required to provide a minimum advance notice of thirty (30) days before the beginning of their leave.

4.11.04 Definitions for purposes of administrating the FMLA program are as follows:

A. FMLA Year:

1. Before October 1, 2016: a twelve (12) month period rolled forward from the date any employee's first FMLA leave begins.
2. October 1, 2016 and later: a fixed twelve (12) month period matching the City's fiscal payroll year being measured from October 1 to September 30. All employees' FMLA leave will reset on October 1, 2016, regardless of the amount of FMLA leave used based on the prior rolling twelve (12) month period.

- B. Child: Defined as a child eighteen (18) years or younger and includes a biological, adopted or foster child, stepchild or legal ward or a child of a person standing In loco parentis (i.e. in place of a parent). A child eighteen (18) years of age or older is included only if he or she is incapable of self-care because of mental or physical disabilities. To define a mental or physical disability, refer to the Social Security Act Regulations.
- C. Spouse: Defined as husband or wife as defined or recognized by State law for purposes of marriage, or a common law spouse as recognized by the State of Texas.
- D. Parent: Defined as a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis (i.e. in place of a parent) to the employee when the employee was a son or daughter as defined.

Limitations and Conditions

4.11.05 The FMLA leave shall run concurrently with the use of the employee's own leave balances. Leave taken under this policy may be paid to the extent the employee has vacation or sick leave accrued. While on paid FMLA, vacation and sick leave will continue to accrue. If the FMLA Leave is unpaid, vacation and sick leave will not accrue. The use of any sick leave or vacation time does not extend the twelve (12) week FMLA entitlement in any payroll year.

Serious Health Condition Defined

4.11.06 "Serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment or physical or mental condition that involves: Inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility, including any period of incapacity (for purposes of this Section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider.

- A. A serious health condition involving continuing treatment by a health care provider includes any one (1) or more of the following:
 - 1. A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from) or for more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - a. Treatment two (2) or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical

therapist) under orders of, or on referral by, a health care provider; or

- b. Treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of the health care provider.
2. Any period of incapacity due to pregnancy, or for prenatal care.
 3. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition.
- B. A chronic serious health condition is one which:
1. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
 2. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 3. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
 4. A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
 5. Any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
 - a. Treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations or dental examinations. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to

constitute a regimen of continuing treatment for purposes of FMLA leave.

- b. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this Section are met.
- c. Substance abuse may be a serious health condition if the conditions of this Section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider of health care services on referral by a health care provider. On the other hand, absence because of the employee’s use of the substance, rather than for treatment, does not qualify for FMLA leave.
- d. Absences attributable to incapacity due to pregnancy or a chronic serious health condition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three (3) days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee’s health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Eligibility

4.11.07 An employee must have worked for the City for at least twelve (12) months and for a minimum of one thousand two hundred fifty (1,250) hours during the previous year to be eligible to take FMLA. Where a husband and wife both work for the City, each employee may make application for leave for the same qualifying event. At the discretion of the City Manager, in consultation with Human Resources, each employee may be granted an entire twelve (12) weeks of leave. If it is determined that granting the entire leave is not in the best interest of the City, the City Manager may limit leave time to not less than six (6) weeks for each employee.

Medical Certification of Leave

4.11.08 Where leave is requested as a result of a serious health condition of the employee or the employee's spouse, child or parent (not including parent-in-law), the employee must also provide a "Medical Certification Statement" completed by the applicable health care provider. The City will allow the employee at least fifteen (15) calendar days from the date of the request for leave to obtain the medical certification. The certification must state the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. If the employee is needed to care for a spouse, child or parent, the certification must so state along with an estimate of the amount of time the employee will be needed.

- A. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of the employee's job.
- B. Should there be a question of validity of the certification provided by the employee, the City may, at its own expense, require an opinion from a second health care provider. Where there is a conflict between the two (2) opinions, the City may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and the City.
- C. Each employee returning from FMLA as a result of his or her own serious health condition will be required to obtain medical certification from the employee's health care provider stating that the employee is able to resume work. The City reserves the right to refer the employee to a health care provider, at the City's expense, to receive a second opinion as to the employee's fitness for duty. Where there is a conflict between the two (2) opinions, the City may pay for the opinion of a third provider. The opinion of the third provider is binding on both the employee and the City.

Notification

4.11.09 Employees are expected to provide a minimum advance notice of thirty (30) days of the need for leave for birth, adoption, or planned medical treatment. No advance notice is required for unforeseen events such as premature birth or sudden changes in a covered patient's condition that require a change in scheduled medical treatment. The City also recognizes that persons who are waiting to adopt a child are often given short notice of the adoption; therefore, no advance notice is required in short-notice cases. Similarly, no advance notice is required for employees who face emergency medical conditions or unforeseen changes in medical condition. If leave is to begin within thirty (30) days, employees must give notice to their appointing authority and to Human Resources as soon as the necessity for the leave arises.

Support for Injured Servicemembers Act of 2008

4.11.10 The Support for Injured Servicemembers Act grants additional leave under the FMLA to employees who have family members in the military. The Legislation created two (2) new categories of FMLA leave:

- A. Active Duty Family Leave – Employees with a spouse, parent, or child who is on, or has been called to active duty in the Armed Forces may take up to twelve (12) weeks of FMLA leave when they experience a qualifying exigency.
- B. Injured Servicemember Leave – Employees who are the spouse, parent, child, or next of kin of a servicemember who incurred a serious injury or illness on active duty in the Armed Forces may take up to twenty-six (26) weeks of leave in a twelve (12) month period (including regular FMLA leave).

4.11.11 Employees may take Injured Servicemember Leave intermittently, but must use it up within twelve (12) months. There is no twelve (12) month time limit on Active Duty Family Leave, which is more akin to traditional FMLA leave.

FMLA and Workers Compensation

4.11.12 When an employee is injured on the job, and the injury qualifies the employee for benefits under the FMLA, the employee shall automatically be placed on FMLA leave. Any qualifying time shall be counted towards the entitlement of FMLA leave.

Key Employees

4.11.13 Under certain conditions, employees who are designated as “key” may be denied job restoration rights.

- A. A “key employee” is a salaried FMLA-eligible employee who is among the highest paid ten (10) percent of all the employees employed by The City.
- B. The term “salaried” means paid on a “salary basis,” as defined in 29 CFR 541.118. This is the Federal Department of Labor regulation defining employees who may qualify as exempt from the minimum wage and overtime requirements of the FLSA as executive, administrative and professional employees.
- C. A “key employee” must be “among the highest paid ten (10) percent” of all the employees—both salaried and non-salaried, eligible and ineligible.
 - 1. In determining which employees are among the highest paid ten (10) percent, year-to-date earnings are divided by weeks worked by the employee (including weeks in which paid leave was taken). Earnings include wages, premium pay, incentive pay and non-discretionary and discretionary bonuses. Earnings do

not include incentives whose value is determined at some future date (e.g., stock options, or benefits or perquisites).

2. The determination of whether a salaried employee is among the highest paid ten (10) percent shall be made at the time the employee gives notice of the need for leave. No more than ten (10) percent of The City's employees may be "key employees."

D. If an employee designated as "key" still takes leave under this Policy, no guarantees are made about returning the key employee to employment.

Benefits Coverage During Leave

4.11.14 During the period of the FMLA leave, an employee will be retained on the City's health plan under the same conditions that applied before the leave commenced. To continue health coverage, the employee must continue to make any contributions that the employee made to the plan before taking the leave. Arrangements to make these contributions must be made directly by the employee with the Finance department.

4.11.15 The employee's participation in the City's health insurance program may be terminated if the employee's contribution to the employee's premium payment is more than thirty (30) days late. The employee's health insurance benefits will resume upon return to work. The employee's participation also ceases if the employee fails to return from leave or clearly states that the employee does not intend to return.

4.11.16 THE CITY IS ENTITLED TO RECOVER HEALTH INSURANCE PREMIUM PAYMENTS MADE DURING THE LEAVE IF THE EMPLOYEE DOES NOT RETURN TO WORK. However, if failure to return to work is due to the continuation, recurrence or onset of a serious health condition beyond the employee's control, the employee will not be liable for health care premiums paid while on family or medical leave. In such cases, a certification issued by a health care provider may be required.

4.11.17 In order to drop the coverage for an employee whose premium payment is late, the City must provide written notice to the employee that the payment has not been received. The cancellation notice must be mailed to the employee at least fifteen (15) days after the date of the late premium notice letter, unless the payment has been received by that date. Coverage for the employee may be terminated at the end of a thirty (30) day grace period, where the required fifteen (15) day notice has been provided.

4.11.18 All other obligations of an employer under FMLA would continue; for example, the City continues to have an obligation to reinstate an employee upon return from leave. If coverage lapses because an employee has not made required premium payments, upon the employee's return from FMLA leave, the City must still restore the employee to coverage/benefits equivalent to those the employee would

have had if leave had not been taken and the premium payment(s) had not been missed, including family or dependent coverage. Per the FMLA law, in such case, an employee may not be required to meet any qualification requirements imposed by the plan, including to wait for an open enrollment period.

4.11.19 No loss of service with the City will occur as a result of a Leave of Absence. No benefit credits, including TMRS contributions, will accrue during an unpaid status of the leave. It is the employee's responsibility to initiate arrangements with TMRS for contribution payments.

Report Requirements

4.11.20 Employees on FMLA may be required to report their status on a weekly basis. The employee's estimated date of return to work will be communicated to their Director and Human Resources as far in advance as practical so that scheduling can be facilitated. Human Resources may be in communication with the employee during the leave and should be informed immediately if the medical condition changes, or the employee states that the employee will not be returning to work.

Reduced or Intermittent Leave

4.11.21 The employee and The City may work out an agreement by which leave may be taken intermittently or on a reduced leave schedule. While this would not reduce the employee's twelve (12) week entitlement for the payroll year, it would enable the employee to spread the leave over a longer period of time. Employees who take intermittent leave may be transferred temporarily to another position that would better accommodate a part-time schedule. They would receive equivalent pay and benefits during the temporary transfer.

Return to Work Authorization

4.11.22 Employees must report to Human Resources for a return-to-work authorization prior to reporting to their department to present the original doctor's release form to Human Resources. If an employee is released by his or her licensed medical professional for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the City can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the licensed medical professional to return in a full duty capacity to his or her previous job. An employee who is able to return to work in light duty status will receive the same rate of pay but may be required to work in a different department and perform duties not contained within his or her current job duties. A light duty assignment shall not exceed ninety (90) days.

4.12 MILITARY LEAVE

4.12.01 Full-time or part-time employees who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of time, seniority, or benefits on all days during which they are engaged in authorized training or duty ordered by proper authority. Employees will be paid for Military absences up to a maximum of fifteen (15) work days per fiscal year. The paid leave days may be consecutive, or scattered throughout the year. Military leave in excess of fifteen (15) days may be charged to vacation leave or leave without pay at the discretion of the employee.

4.12.02 Any full-time or part-time employee who leaves his or her position either voluntarily or involuntarily for the purpose of entering any branch of the United States armed forces for extended active duty shall be placed in military active duty status and administratively separated from City employment.

4.12.03 Full-time and part-time employees who are ordered to extended active duty with the state or Federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their release from active duty. An employee may serve a total of four (4) years of active duty in the armed forces, and an additional one (1) year as requested by the United States government, and still be eligible for reappointment to his City position. An employee's right to reappointment is not protected for periods of military active duty longer than five (5) years, except under certain cases allowed by law.

4.12.04 Full-time and part-time employees who leave City employment to enter active military service shall be restored to employment in the same position held upon entrance to active military service, or in a position of comparable status and pay, if the employee:

- A. Is physically and mentally qualified to perform the essential duties of the position;
- B. Was discharged, separated, or released from active military service under honorable conditions;
- C. Has not been in active military service for more than five (5) years; and
- D. Makes written application for reappointment and presents evidence of the discharge, release, or separation from military service according to the following schedule:

Length of Period of Service	Reapply No Later Than
Service of 1 to 30 days	Next regular work day after completion of service and time to travel from place of service to residence
Service of 31 to 180 days	Fourteen (14) days after completion of service
Service of 181 or more days	Ninety (90) days after completion of service

4.12.05 An employee shall be allowed full credit for time spent in the military service for the purpose of computing the rate of accrual of vacation leave.

4.12.06 Requests for approval of military leave must have copies of the relevant military orders attached.

4.13 WORKERS COMPENSATION INSURANCE/INJURY LEAVE

4.13.01 Good safety practices and habits are the best protection against on-the-job hazards. It is each employee’s responsibility to exercise precautionary measures and good judgment to avoid personal injury or injury to others while on duty. Employees can help to ensure safety on the job by following the specific safety rules as described in the standard operating procedures in each respective department. Please report any accidents or unsafe conditions or practices to the appropriate Supervisor or Department Director or Human Resources Manager or the City Manager immediately so the corrective action may be taken. Any suggestions made to lessen the possibility of on-the-job accidents and injuries will be appreciated and will be given serious consideration.

4.13.02 The City provides workers compensation benefits for all full-time and part-time employees and volunteers. Workers’ Compensation insurance is designed to cover certain 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. An employee injured on the job may be eligible for workers’ compensation benefits, which may cover the cost of hospitalization, treatment by a licensed medical professional, prescription drugs and other related expenses, to include possibly partial salary continuation.

4.13.03 An employee who sustains a bona fide, on-the-job, work related injury must seek medical attention from a medical facility or professional within the network of the insurance carrier. The employee must immediately report the circumstances of the accident and/or injury to his Supervisor.

4.13.04 The following procedure shall be followed for reporting and documentation:

- A. The employee's Supervisor is responsible for notifying the Department Director and Human Resources Department immediately upon being made aware of an employee's involvement in an accident or injury. Timely notification is critical in allowing Human Resources to authorize treatment of the employee's work-related injuries.
- B. Post injury or accident, alcohol and drug tests shall be conducted on all employees as soon as practical following an accident or injury. Any employee involved in an accident involving motorized equipment may also be subject to alcohol and drug tests as soon as practical following an accident. An employee may not report back to work until a drug test has been completed. Driving is not allowed until results of the drug test are known.
- C. The employee's Supervisor (or other appropriate City personnel) will initiate a thorough investigation into the cause and circumstances of the accident or injury, interview all witnesses and prepare a detailed written report explaining how and why the accident occurred. The Supervisor must submit the 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 the following Monday for injuries occurring over the weekend.
- D. If the employee's Supervisor has reason to believe that an injury has been reported that 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 insurance carrier and not by the City.
- E. For every office visit, the employee is required to obtain from his or her licensed medical professional 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 forwarded to the Human Resources Department.

4.13.05 The City will hold an employee's position, following an injury that occurred while performing official job duties or conducting City business, for no more than twenty-six (26) weeks. Twelve (12) weeks of this period may qualify for Family and Medical Leave (FMLA) and will run concurrently with such leave if applicable. At the end of the aggregate twenty-six (26) week period, should the employee still be unable for any reason to perform the essential duties of his or her job, with or without accommodation, his or her position may be filled and he or she may be considered for a vacant position for which he or she is qualified. If no vacant position is available for which the employee is qualified, if he or she is not selected to fill the vacant position or if the employee declines to accept another position, his or her employment with the City will be terminated.

4.13.06 Salary Continuation Eligibility shall be as follows:

- A. An employee who is unable to work for any period of time, either at his or her regular job or at any alternative duty position, because of an injury that occurred while performing official job duties or conducting official City business, is eligible to receive workers' compensation benefits equal to approximately seventy (70) percent of his salary. It is the City's policy to make up the remainder of the employee's regular pay for at least a portion of the time off, provided certain conditions are met. This benefit is paid starting from the date of injury and is available to both full-time and part-time employees. Any employee receiving salary continuation is not allowed to engage in any other part-time or secondary jobs outside of the City.
- B. The Human Resources Department will determine whether the employee meets the criteria for receiving supplemental salary continuation pay for any hours missed because of restrictions imposed by the employee's licensed medical professional. To be eligible for supplemental salary continuation, the employee must furnish to the City sufficient documentation to verify the injury or accident:
 - 1. Occurred during the course and scope of the employee's employment;
 - 2. Did not occur while conducting personal business on paid or unpaid meal breaks or while participating in voluntary fitness activities while not on shift;
 - 3. Was timely reported;
 - 4. Was not caused by the employee's failure to use or wear prescribed safety apparel or devices;
 - 5. Did not occur while the employee was under the influence of alcohol, illegal drugs or abuse of legally obtained drugs; and

6. Prevents the employee from performing his or her regular job duties or any other alternative duty assignment.

C. The maximum duration of salary continuation for employees is ninety (90) days from the first day of lost time as a result of the work-related injury, unless such an extension is expressly authorized by the City Manager. A careful review will be conducted by the City Manager and Human Resources Department prior to authorizing each extension. Extensions by the City Manager may be authorized in no more than thirty (30) day intervals.

D. Employees suffering injuries that have extended beyond the ninety (90) days or are not eligible for supplemental salary continuation may elect to use their personal leave accruals to offset the loss of income during the recovery period.

4.13.07 Injury leave begins on the first scheduled workday of disability and continues until the employee is released to return to work by a licensed medical professional and returns to work.

4.13.08 The City will continue to pay the City's portion of the employee's group medical insurance for a period of time not to exceed twenty-six (26) weeks for an employee on injury leave. To continue group and/or dependents' medical insurance after the twenty-sixth (26th) week on which the employee is on injury leave, the employee must pay both the employee's and the City's portions of these insurance premiums.

4.13.09 While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees a licensed medical professional for consultation or treatment, he or she must provide a progress report to the appropriate Supervisor as well as the Human Resources Department. Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the appropriate Supervisor. In addition, the injured employee must contact his or her Supervisor at least once a week to report on his or her condition where practical.

4.13.10 A written statement from the attending licensed medical professional certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing as well as any limitation(s) must be received by the City before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending licensed medical professional or an independent licensed medical professional paid by the City. Upon receipt of a release to return to work, the City may require the employee to submit to a medical examination to determine whether the employee can perform the essential functions of his or her position. Failure to return to work when directed will result in appropriate disciplinary action up to and including termination.

4.13.11 During the course of an on-the-job injury leave of absence, if an employee is released by his or her licensed medical professional for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the City can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the employee may be placed on inactive status until released by the licensed medical professional to return to his or her previous full job duties. An employee who is able to return to work in light duty status will receive the same rate of pay but may be required to work in a different department and perform duties not contained within his or her current job duties. A light duty assignment shall not exceed ninety (90) days. In addition, the employee may receive workers' compensation payments which would be turned over to the City and the City may pay the employee his or her regular pay, if applicable.

4.14 LEAVE OF ABSENCE WITHOUT PAY

4.14.01 Leave of absence without pay is an approved absence from duty in a non-pay status for not more than three (3) months.

4.14.02 Granting a leave of absence without pay is at the discretion of the City Manager. Such leave is not authorized unless all applicable accrued paid leave has been exhausted and there is a reasonable expectation that the employee will return to employment with the City at the end of the approved period. Approval of the leave must be documented with a copy of the documentation to be placed in the employee's personnel or medical file, as appropriate. 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 of the benefit programs. The employee shall remain eligible for health insurance benefits; however, the employee's portion of any premiums, supplemental insurance and dependent coverage must be paid by the employee during such leave.

4.14.03 A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting the leave was misrepresented or has ceased to exist.

4.14.04 An employee requesting an unpaid leave of absence must provide the City Manager with a statement from an appropriate third party as to the date upon which the employee is no longer able to perform his or her duties and the expected length of time needed. In addition, the employee must furnish the City with a written statement from the employee concerning his or her intentions about returning to work at the City. In determining whether or not to approve the request for leave without pay, the City Manager will consider the employee's length of service with the City and past performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

4.14.05 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 accrued benefits.

4.14.06 No loss of service with the City will occur as a result of a Leave of Absence. No benefit credits, including TMRS contributions, will accrue during an unpaid status of the leave. It is the employee's responsibility to initiate arrangements with TMRS for contribution payments.

4.15 LEAVE WITHOUT PAY

4.15.01 Leave without pay is granted as a matter of administrative discretion. No employee may demand leave without pay as a matter of right, but it may be granted to any full-time employee. The position of any City employee who is on leave without pay may be filled on an interim basis. All appropriate accrued leave must be exhausted prior to requesting leave without pay.

4.15.02 An employee's Department Director may authorize leave without pay for a period not to exceed five (5) consecutive workdays. Leave without pay in excess of five (5) consecutive workdays must be approved by the Department Director and the City Manager. While on leave without pay, the employee shall remain eligible for health insurance benefits; however, the employee's portion of any premiums, supplemental insurance and dependent coverage must be paid by the employee during such leave.

4.16 MAXIMUM LEAVE UNDER ANY CIRCUMSTANCE

4.16.01 Regardless of the reason for the leave, any absence which exceeds six (6) months may result in termination.

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5.00 EMPLOYEE BENEFITS

5.01 MEDICAL BENEFITS AND LIFE INSURANCE

5.01.01 All full-time employees are covered by medical, dental and vision insurance beginning on the first day of the month following their hire date. The City's group health insurance generally provides for partial payment of hospitalization, major medical expenses and prescription drugs. Insurance coverage for dependents is available for an additional cost. The City also provides group life and accidental death insurance coverage for all full-time employees beginning on the first day of the month following their hire date. The cost of providing this insurance coverage to employees is paid by the City. Optional supplemental coverage is available and may result in out-of-pocket costs for premiums, depending upon the plan chosen by the employee. Per publication 15-B of IRS code, the cost of group term life insurance coverage beyond \$50,000 must be included in the employee's wages as this amount is subject to Medicare and Federal income taxes. Detailed information concerning employee insurance benefits may be obtained in the applicable insurance manuals or in the Human Resources Department.

5.02 PENSION/RETIREMENT PLAN

5.02.01 The City of Murphy does not participate in the Social Security program; however, contributions are made towards Medicare. The City of Murphy is a member of the Texas Municipal Retirement System (TMRS). The purpose of this system is to provide a plan for the retirement of employees of Texas municipalities. Participation in this system is compulsory for all regular employees who are scheduled to work a minimum of one thousand (1,000) hours annually. Enrollment into this system shall be handled by the Human Resources Department at the date of employment.

- A. The plan requires a contribution be made by means of payroll deductions. The City matches each employee's contribution at a 2:1 ratio.
- B. In the event a member of the retirement system leaves employment of the City prior to retirement and is not vested, such member may elect to leave his contributions on deposit with the system for not more than five (5) years, may file application for a full refund of the employee's contributions and accrued interest thereon, or may roll the funds over into a qualified account. In the event that an employee receives a full refund of his or her contributions, the employee forfeits any seniority towards retirement under TMRS.
- C. Where practical, employees shall give the Human Resources Department written notice of their intent to retire at least forty-five (45) days prior to the proposed date of retirement in order to file a written application for retirement with TMRS.

D. Complete details of the retirement plans, as well as additional information, is provided at www.tmr.com.

5.03 DEFERRED COMPENSATION

5.03.01 Full-time employees may elect to participate in a deferred compensation plan that is designed to supplement the employee's retirement income. The deferred compensation plan allows employees the opportunity to defer taxation on income until contributions to the plan are withdrawn. For more information about the deferred compensation plan, contact the Human Resources Department.

5.04 EMPLOYEE ASSISTANCE PROGRAM (EAP)

5.04.01 The City will provide employees and their families with confidential, professional assessment and referral for assistance in resolving or accessing treatment for addiction to, dependence on, or problems with alcohol, drugs, or other personal problems adversely affecting their job performance. Confidential assessment and referral services will be provided without cost to the employee or family member. The cost of treatment, counseling or rehabilitation resulting from EAP referral will be the responsibility of the employee. The EAP counselor will assist the employee in determining how the rehabilitation costs can be paid. In most instances, the employee's medical benefit plan can be used.

5.04.02 When an employee seeks assistance or is referred to a counselor, his or her status and problem-solving actions will remain confidential and will not be released to other persons except on a need-to-know- basis.

5.04.03 When documented job performance issues have been observed and identified, a Supervisor may recommend mandatory participation in the EAP. Mandatory referrals to the EAP are coordinated and managed by the Human Resources Director. They require the employee to sign a release of information HIPAA consent form allowing the exchange of information between the EAP and the Human Resources Director. Refusal to participate in, or failure to complete the EAP-directed program will be documented and the employee will be subject to progressive disciplinary action up to and including termination of employment.

5.04.04 Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is to deal with and the higher the success rate. While self-referral in itself does not preclude City's use of corrective actions, participation in an EAP-directed program may enable the Supervisor to allow time for completion of such program before initiating or determining additional corrective actions.

5.04.05 EAP-related activities, such as referral appointments, will be treated on the same basis as other personal business or health matters with regards to use of accrued sick or vacation leave.

5.05 LONGEVITY

5.05.01 All full-time employees of the City who have completed one full year of employment as of August 30 shall be eligible to receive longevity pay for each year of service to the City, not to exceed twenty-five (25) years, beginning with the date of hire. Longevity begins accruing beginning at the employee's thirteenth (13th) month of employment. Longevity pay shall be at a rate of \$4.00 per month for every year of service.

5.05.02 Longevity pay shall be included in the employee's regular rate of pay in computing the overtime pay rate. Longevity pay is paid annually on the Wednesday before the Thanksgiving holiday via direct deposit and is subject to Federal withholdings at a flat rate of 25% and TMRS contributions. The period of calculation shall be the amount accrued through each month of the preceding fiscal year. Employees who terminate prior to November will receive a prorated payment on their final check that will be calculated based only on the number of months that have passed between September 1 and the date of their separation.

5.06 UNIFORMS AND APPAREL

5.06.01 Employees assigned to certain departments within the City shall be provided uniforms for use during work hours. A uniform may include shirt(s), pant(s), shoes, boots, cap(s), hat(s), raincoat, jacket(s) and/or reflective vest and other specialty equipment as may be necessary.

5.06.02 Employees of the City are expected to exercise reasonable care in the maintenance of all uniform items. Uniforms shall be neat and clean when the employee reports to work. Employees in some departments will be unable to keep the uniform clean while working, but should strive to remain as neat in appearance as possible (shirt tucked in, etc.) When uniform items become unserviceable or unsightly, employees shall report such to their Supervisor to authorize replacement.

5.06.03 Employees who are issued a uniform shall wear the uniform at all times while on duty. If a cap or hat is provided by the City, the employee shall wear the cap or hat provided by the City and shall refrain from wearing a personally owned cap or hat.

5.06.04 Uniforms issued to employees by the City are to be worn for work only, including work-related training activities, and shall not be worn for personal use, other than to and from work.

5.06.05 All serviceable uniform items shall be returned by employees upon separation from employment with the City.

5.07 EDUCATION AND TRAINING

5.07.01 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 for attendance during normal working hours and will reimburse the employee for associated costs, including tuition or registration fees, and authorized travel, meals, and lodging.

5.07.02 Time spent at a conference, meeting, or seminar will not be compensated and will not be considered "hours worked" for purposes of calculating overtime if all four (4) of the following conditions are met:

- A. Attendance is voluntary;
- B. Attendance is outside of normal working hours;
- C. The event is not directly job-related; and
- D. The employee performs no productive work during this period.

5.07.03 The City encourages its full-time and part-time employees to take advantage of educational or training opportunities and professional memberships which are related to and will enhance the performance of their work with the City.

5.08 TUITION REIMBURSEMENT

5.08.01 The City offers tuition reimbursement to all regular full-time employees who have completed their initial probationary period and who wish to enroll in courses for academic study from an accredited institution such as a college, university, technical or business school (not continuing education).

5.08.02 Tuition reimbursement is offered for both undergraduate and graduate courses that are related to the employee's job, or is in preparation for promotion to an applicable position within the City.

5.08.03 In order to be eligible for reimbursement, the employee must obtain a tuition reimbursement application form from the Human Resources Department. The employee must also submit a degree plan along with the tuition reimbursement application form. Applications must be turned in to the Department Director for approval and will not be accepted unless the employee has submitted an accompanying individualized degree plan. All applications must then be approved by the City Manager. All levels of approval must be obtained prior to the first day of class. Within

forty-five (45) calendar days of successful completion of the course or courses, the employee must present grade transcripts and paid receipts reflecting amounts paid. The City will reimburse up to \$250 per class with a maximum of \$1,500 per fiscal year per employee, based on the grade attained, A and B 100%, C 50%, D or lower 0%. All courses must be taken during the employees' own time. Employees may not miss work to attend classes unless the use of vacation leave to attend class is approved by their supervisor.

5.08.04 Tuition reimbursement is limited to annual budgetary appropriation. Applications will be accepted on a first come first serve basis and will be granted up until the budgetary appropriation is expended.

5.09 EXECUTIVE BENEFIT PLAN

5.09.01 The City Manager shall notify the City Council of any executive benefit plan offered to a member of Leadership/Executive team that exceeds the normal City plan. The executive benefit plan may include but is not limited to the following: additional vacation and/or sick days; tuition reimbursement; professional dues and attendance at annual conferences; employment agreements; travel expenses; moving allowances; temporary housing allowance; mobile communication allowance; vehicle allowance; and business expenses.

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6.00 EMPLOYEE RESPONSIBILITIES

6.01 RESPONSIBILITY AND INTEGRITY

6.01.01 The City of Murphy is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, responsibility, accountability, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, and to do their part in maintaining good relations with the public, their Supervisors, City officials, and their fellow employees.

6.02 DRESS CODE

6.02.01 Employees of the City are hired to provide services to the citizens of Murphy and to perform specific tasks in a professional manner. As representatives of the City, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. While the City does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner which is appropriate to the particular job being performed. Expensive clothes are not necessary in creating and maintaining a professional, favorable image of the City's work force.

6.02.02 Unless employees are required by their department to wear a uniform or other protective clothing, employees may wear jeans on Fridays and the Thursday before a Friday holiday. Employees shall maintain an appearance that is appropriate for the workplace and shall refrain from wearing ripped, frayed or disheveled clothing or athletic wear. If employees have an off-site meeting scheduled during a jeans day, they shall not wear jeans and shall dress professionally.

6.03 DRUG-FREE WORKPLACE

6.03.01 It is the desire of the City of Murphy to provide a 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 manner.

6.03.02 Violations of this policy may lead to disciplinary action, up to and including termination of employment.

6.03.03 Employees who test positive as a result of drug or alcohol testing, or who refuse to submit to a lawful drug or alcohol test may be subjected to discipline under these policies, up to and including termination. Employees who are terminated as a

result of testing positive in response to a lawful test for drugs or alcohol or refusing to submit to a drug or alcohol test shall not be considered for reemployment with the City.

6.03.04 For purposes of this Section, the term “drug” includes alcohol, prescription drugs when not taken as directed by an authorized health care professional or when taken when not prescribed to the employee, illegal inhalants and illegal drugs. As of September 1, 2019, the Texas legislature legalized the sale and use of CBD products that contain a THC level of less than .3%. While use of these products is legal, CBD and products containing CBD are not regulated by the Federal Drug Administration. As a result, it is possible that use of a CBD product or a product claiming to contain CBD with less than .3% THC will cause a drug test to be positive for THC. Therefore, any positive drug test will still be considered a failed test and handled in accordance with the City’s drug testing policy or as required by law.

6.03.05 While on the City premises and while conducting business-related activities off City premises, no employee may use, possess, distribute, sell or be under the influence of alcohol or drugs.

- A. The legal use of prescribed drugs or over-the-counter medications taken for a current health condition is permitted on the job only if it does not impair an employee’s ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.
- B. Any employee who is legally taking a prescription drug or over-the-counter medication that may impair his or her ability to perform the essential functions of the job effectively and in a safe manner shall inform his or her Supervisor that he or she is taking such prescription drug or over-the-counter medication. If the employee’s job abilities are compromised, the employee’s Supervisor may send the employee home. If available, appropriate leave may be used to cover the absence.

6.03.06 An employee’s voluntary disclosure of a chemical dependency problem may result in required participation in a substance abuse or related rehabilitation or treatment program. An employee may not provide a “voluntary disclosure” upon being notified that he must submit to a drug or alcohol test.

- A. Employees with questions or concerns about substance dependency or abuse may also wish to discuss these matters with their Supervisor or the Human Resources Department to receive assistance or referrals to appropriate resources in the community.
- B. 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 time off to participate in a rehabilitation or treatment program through the City’s health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of any substance not prescribed or approved by his attending

licensed medical professional; abides by all City policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave shall not cause the City any undue hardship.

6.03.07 Under the Drug-Free Workplace Act, any employee must notify the Human Resources Department of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five (5) days of the conviction.

6.03.08 All employees of the City of Murphy are subject to drug and/or alcohol testing. The following tests shall be conducted:

- A. Employment alcohol and drug tests shall be conducted before applicants are hired.
- B. Post-motor vehicle accident alcohol and drug tests shall be conducted on all employees as soon as practical following an accident or injury. Any employee involved in an accident involving motorized equipment will also be subject to alcohol and drug tests as soon as practical following an accident.
- C. Any employee involved in an accident or injury of any kind may be subject to a drug and alcohol screen.
- D. Alcohol and drug testing shall also be conducted when a Supervisor or Department Director has reasonable suspicion, or observes behavior, speech, appearance or body odors, that may be characteristic of misuse of drugs or alcohol. Drug and alcohol testing shall occur as soon as practical following the Supervisor's or Department Director's observation. The Human Resources Department must be notified in order to authorize the testing with the medical facility. The Supervisor shall document his or her observations and forward the document to the Human Resources Department.

6.03.09 U.S. Department of Transportation Drug and Alcohol Testing – Employees with a Commercial Drivers License (CDL):

- A. The City of Murphy shall comply with the Department of Transportation rules requiring drivers who hold a position requiring a Commercial Drivers License (CDL) to submit to random alcohol and drug testing, effective October 1, 1996, and as may be amended.
- B. Employees holding a position that requires a commercial driver's license shall be tested on a random, unannounced basis for drugs and alcohol. The testing shall be performed with unpredictable frequency throughout the year. Employees shall be randomly selected for testing from a pool of employees who hold a commercial driver's license. Random drug and alcohol testing shall be

conducted just before driving, after driving, or while an employee is on-call to drive.

- C. Employees with questions on this policy, issues related to drug or alcohol use in the workplace, or the required U.S. Department of Transportation's Drug and Alcohol Testing rules, should raise their concerns with the Supervisor or the Human Resources Department without fear of reprisal.

6.04 FRATERNIZATION

6.04.01 It is the policy of the City to promote a productive work environment. While the City encourages employees to develop good working relationships and friendships with fellow employees certain types of fraternization are strongly discouraged. The City does not wish to intrude into the private lives of their employees, however, when personal or business relationships between employees adversely impact or have the reasonable potential to adversely impact the City of Murphy by eroding morale, good order, discipline, respect for authority or departmental cohesion they become a matter of official concern. In order to avoid situations involving unlawful sexual harassment, stalking, conflicts of interest, misunderstandings or the appearance of favoritism and impropriety, any relationship that impedes the City's ability to conduct business, that would create a conflict of interest or that would prevent employees from performing their duties in an effective manner and would therefore be detrimental to a productive work environment is prohibited.

6.04.02 Relationships are considered unprofessional whether pursued on or off-duty when they detract from management authority or result in, or reasonably create the appearance of, favoritism, misuse of office or position, or the abandonment of organizational goals for personal interests. Unprofessional relationships can exist between Supervisors, Managers and Directors and individuals in higher positions, between Supervisory personnel and employees, between employees and other employees within their own department, and between elected officials and employees.

6.04.03 Personal Relationships are defined as being married, dating, cohabitating or involvement in any type of intimate or sexual relationship.

6.04.04 Business relationships are defined as borrowing or lending money or commercial solicitation.

6.04.05 Individuals in a Supervisory position are strongly discouraged from entering into any type of personal (emotional or physical) relationship with any employee, in a lower grade or job title than they are, in the City.

6.04.06 Employees who are in a personal relationship with one another, as defined in Section 6.04.03, shall not be allowed to work within the same department or division.

6.04.07 Employees who are in relationships which comply with this policy but move to noncompliance due to a change in status of one (1) or both members through promotion or transfer would be expected to notify their Department Directors and each case would be reviewed on a case by case basis to determine resolution. Such decisions will take into consideration the business needs of the City. Resolution may include reassignment, restriction of duties and responsibilities, transfer or resignation of the least senior employee.

6.04.08 Employees who are in a relationship which are in non-compliance due to the institution of this policy will be expected to notify their Department Director(s) and each case will be reviewed on a case-by-case basis to determine appropriate resolution.

6.04.09 Employees who do not bring to the City's attention the fact of a personal (emotional or physical) relationship will be subject to remedial action up to and including, reassignment of duties and responsibilities, transfer, demotion, limiting of job functions and/or access to certain information, possible disciplinary action, up to and including termination.

6.05 POLITICAL ACTIVITY

6.05.01 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:

- A. Publicly endorse or campaign in any manner for any person seeking a City public office.
- B. Use the employee's position or office to coerce political support from employees or citizens.
- C. 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.
- D. 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.
- E. 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.

- F. Contribute money, labor, time or other valuable thing to any person for City election purposes, except as permitted by law.
- G. Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, e.g. City of Murphy City Council, Plano ISD and Wylie ISD and Collin County. Upon being elected to such an office, an employee must immediately resign or will be dismissed upon failure to do so.

6.05.02 Violation of this policy is grounds for disciplinary action, up to and including dismissal and/or disapproval of funding for the position occupied by the employee involved.

6.06 GIFTS AND GRATUITIES/CONFLICT OF INTEREST

6.06.01 City employees, the City Manager and City officers will comply with the City's Charter and/or City ordinance regarding gift and gratuities.

6.07 COMMUNICATIONS

6.07.01 Communication with the public and the media about City issues or problems is primarily the responsibility of the City Manager. Employees are to refer members of the news media to the City Manager if a question is non-routine, potentially controversial, or outside the scope of the employee's normal duties, and are to notify the City Manager of scheduled interviews with the news media.

6.07.02 From time to time, an employee may be given work instructions from or asked questions by a City employee or official outside the normal chain of command. In such cases, it is the employee's responsibility to notify his or her immediate Supervisor in a timely manner about the instruction or question, its purpose, the relevant facts of the situation, and the employee's response to the direction or question. Supervisors are responsible for reporting these incidents promptly through the chain of command to the City Manager in those instances where there could be adverse consequences.

6.07.03 In any case, a determination of timeliness for reporting an incident through the chain of command will be based on the nature of the instruction, request, or question; any potential adverse consequences of the employee's response; and/or the time frame during which an amended response could alter potentially adverse consequences. Timeliness generally means not later than the beginning of the next working day following the date of the incident.

6.07.04 Except for the purpose of inquiries and investigations specifically authorized by law, the City 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. Consistent with Section 3.08(3) of the Charter, neither the City Council nor any of its members shall give work instructions or orders to any City officer or employee, either publicly or privately, unless specifically authorized by law.

6.08 SECRET RECORDINGS

6.08.01 If an employee wishes to tape record any conversation between the employee and any other City employee or officer, or between two (2) or more other City employees, the employee wishing to make the recording must first notify the other person(s) of his or her intent to record the conversation or comments and must obtain the other person(s)' written authorization to make the recording. Any unauthorized taping of any conversation is grounds for immediate disciplinary action, up to and including dismissal.

6.09 SOLICITATION OF FUNDS FOR NON- CITY ORGANIZATIONS

6.09.01 City employees may engage in fundraising efforts for outside organizations of the employee's choice, but the solicitations shall be made during the employee's nonworking hours, and the employee must not either represent himself or herself as a City employee or wear a City uniform or logo when engaged in fundraising solicitations, except with advance approval of the Department Director and City Manager.

6.10 CHAIN OF COMMAND

6.10.01 Individual City employees are responsible to the Department Director or City Manager or to a Supervisor designated by the Department Director or City Manager. Department Directors are responsible to the City Manager. The City Manager is responsible to the City Council as a whole. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will follow the chain of command as illustrated in the organizational chart contained in the appendix.

6.11 USE OF CITY PROPERTY/VEHICLE POLICY

6.11.01 The City attempts to provide each employee with adequate tools, equipment, and vehicles 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.

6.11.02 Employees who are assigned tools, equipment, vehicles, or any other City property by their departments are responsible for them and for their proper use and maintenance. Improper use and/or maintenance may result in disciplinary action. City property, materials, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations of the City. No personal or political use of any City property, materials, supplies, tools, or equipment is permitted. Upon termination of employment, employees must return any and all City property in their possession. Failure to return all City property in the employee's possession may result in legal action by the City against the employee. If an employee is in doubt about whether a particular use of City equipment, property, or vehicles is permissible, he or she must check with the appropriate Department Director or the City Manager before proceeding.

6.11.03 The City Manager allows some City of Murphy employees to drive City vehicles home in the evenings and on weekends and to return to their work site in the vehicle on their next regularly scheduled workday. Generally, this is done to enhance the employee's ability to respond to an emergency call by eliminating the need for the employee to drive first to the City vehicle's location and then to the work site. In these instances, the vehicle shall not be used by the employee to conduct any kind of personal business. In certain circumstances, per IRS publication 15-B, a take home vehicle can be considered taxable income. Those circumstances will be identified and impacted employees will be taxed accordingly.

6.11.04 Use of a City vehicle by an employee is neither a right nor a privilege; rather, it is a trust conferred to facilitate necessary performance of job duties. Use of a City vehicle should always lead to positive perceptions by our citizens. When an employee operates a City vehicle or a personal vehicle for which reimbursement is received, the following rules shall be observed. Violations of this policy may result in disciplinary action up to and including termination and possible prosecution.

- A. Use of City vehicle by City employee only. City vehicles shall not be used to transport family members or other passengers not engaged in City business, without prior approval of the City Manager.
- B. Personal use of a City vehicle for any reason is prohibited, except as specifically approved in writing by the City Manager.
- C. An employee who operated an assigned vehicle or a private vehicle for City business must have a current safety inspection sticker, liability insurance and license plates for the vehicle.
- D. The City maintains up-to-date insurance coverage on all vehicles owned by the City. Employees who drive a personal vehicle on City business are required to provide the Human Resources Department with proof of automobile liability

insurance as required by the State of Texas and to maintain up-to-date insurance coverage.

- E. Smoking and tobacco product usage is prohibited within City vehicles.
- F. Identification and markings on City vehicles must remain intact and visible.
- G. City and/or personal vehicles operated for City business shall be operated in a safe and courteous manner at all times. City and/or personal vehicles operated for City business shall be required to comply with the laws and ordinances concerning operation of motor vehicles and rules of the road and shall not be operated by an individual using or under the influence of drugs and/or alcohol. Seat belts for the driver and any passenger must be fastened at all times.
- H. Except for the performance of official City business, no alcohol shall be carried in a City vehicle without the express permission of the City Manager.
- I. An employee who is operating a City vehicle or private vehicle on City business is required to pay for moving violations and/or parking citations for which he or she is responsible.
- J. Take-home vehicles should be safely parked or stored at an employee's residence when not in use, preferably not in an alley or on the side of the street.
- K. Should a City employee assigned to a City vehicle on a twenty-four (24) hour basis be absent from work for more than three (3) calendar days, the vehicle could be required, at the City Manager's discretion, to be returned to the City during the employee's absence.

6.11.05 All operators of City vehicles or personal vehicles who are on City business are required to have the valid driver's license necessary for legal operation of that vehicle in the State of Texas and to keep their Supervisors informed of any changes of status in their licenses. An employee who is required to drive as an essential function of his or her job must maintain a driving record satisfactory to the City's general liability insurance carrier as outlined in Section 6.13 or the employee will be restricted from driving and/or disciplined up to and including dismissal.

6.11.06 The City conducts an annual examination of the driving records of all employees who operate City-owned motor vehicles to determine any violations of this policy. Probation, suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion, restriction, or other disciplinary action, up to and including dismissal.

6.12 ACCIDENTS IN CITY-OWNED VEHICLES

6.12.01 If an employee is involved in an accident while driving a City vehicle, the employee should:

- A. Give whatever aid they are qualified to perform to any injured parties. If an injury requiring emergency medical treatment has been sustained, call 911 for immediate assistance.
- B. Call the Police Department immediately. Do not move the vehicle in the event of an injury accident until directed by a police officer.
- C. Give your name and department to the other driver but do not discuss the accident with anyone except the investigating officer or your Supervisor.
- D. Call the Supervisor who will then be responsible to file the required accident form. Forms are available in the department or from Human Resources.
- E. Report to one of our drug and alcohol testing sites immediately. A Supervisor or other member of City administration must provide transport unless otherwise directed by the Human Resources Department or City Manager. Exceptions can only be made by the Human Resources Manager or the City Manager.

6.12.02 Failure to report any accident or vehicle damage immediately may result in disciplinary action including termination.

6.13 VEHICLE AND OPERATOR STANDARDS

6.13.01 Applicants for positions requiring the operation of a City of Murphy vehicles or motorized equipment shall not be eligible for driving/operating privileges if the total points assigned to their driving record is ten (10) or more within a twenty-four (24) month timeframe. Employees currently in a position requiring them to operate the City of Murphy vehicles or motorized equipment shall not be eligible to operate vehicles and may be subject to immediate disciplinary action up to and including termination if the total points assigned to their driving record is ten (10) or more within a twenty-four (24) month timeframe.

Violation Points

- | | |
|---|----|
| a. License suspension, revocation | 10 |
| b. Driving while intoxicated or under the influence of narcotics | 10 |
| c. Any serious violation - e.g. reckless driving, endangering lives of others or racing | 10 |
| d. Any speeding violation | 3 |

- e. Any standard moving violation, i.e., careless driving, stop sign, lane crossover, failure to signal, failure to keep right, following too close, etc. 2
- f. Any chargeable bodily injury accident 3
- g. Any chargeable property damage accident 3

6.13.02 The following procedures shall be observed under this policy:

- A. Employees operating a City of Murphy vehicle or motorized equipment must report to their Supervisors any accident involving said vehicles as soon as possible and no later than twenty-four (24) hours of the occurrence where practical.
- B. Employees who are in jobs that require the driving/operating of vehicles or motorized equipment shall report any driver's license suspensions to their immediate Supervisor within twenty-four (24) hours of the suspension.

6.13.03 Failure to report license suspensions; or failure to maintain the required driver's license; or failure to meet minimum driving record criteria will be sufficient grounds for removal from driving privileges and will subject the employee to disciplinary action.

6.13.04 The Human Resources Department will make a list of all personnel who are required to drive or operate motorized equipment for their position. This list shall include the employee's name, date of birth, and current driver's license number. All such employees will then have their driving record status reviewed through a motor vehicle record check. The motor vehicle record reflects the past three years of a driving record. The appropriate Department Director will be notified of any employee whose driving record fails the criteria set forth in this policy.

6.13.05 At the time of driver's license review, any employee who is required to drive or operate motorized equipment for their position who is found to have accrued five (5) or more violation points as defined in Section 6.13.01 towards driving ineligibility will be, at the employee's expense, required to complete a Defensive Driver Training Program approved by the Department Director and submit evidence of satisfactory completion to the Department Director, and a copy to the Human Resources Department. After taking this course, any employee who still reaches ten (10) points within twenty-four (24) months as defined in Section 6.13.01 may be subject to immediate disciplinary action up to and including termination.

6.13.06 Any employee who is required to drive or operate motorized equipment for their position is found to have accrued violation points due to categories (a), (b), or (c)

as defined in Section 6.13.01 may be subject to immediate disciplinary action up to and including termination.

6.14 SMOKING/TOBACCO PRODUCTS

6.14.01 In general, the use of smoking and tobacco products are prohibited within City facilities and City vehicles. However, specific areas where smoking and the use of tobacco products is allowed are designated. Appropriate signs will state that smoking and the use of tobacco products is permitted only in designated areas in all City buildings; and smoking/tobacco products areas will be clearly identified.

6.15 ALCOHOL USE PROHIBITED

6.15.01 In general, the consumption of alcohol is prohibited within City facilities and City vehicles. However, specific areas where consumption is allowed are designated as in the case of special events occurring on City property. Appropriate signs will state that alcohol consumption is permitted only in designated areas on City property.

6.16 SEARCHES

6.16.01 The City reserves the right to make general or random searches of City property, including but not limited to lockers, closets, desks, and vehicles for alcohol, prohibited drugs, drug paraphernalia, or any other prohibited item that might be in the employee's possession. Any materials brought into the workplace, such as personal effects, briefcases, vehicles, and so on, are subject to search at any time. The City also reserves the right to examine the contents of an employee's City-provided cell phone, or other electronic device without notice. The City may monitor all Internet activities and may review any electronic messages coming in or going out of City-provided computers or on City owned networks.

6.17 WEAPONS

6.17.01 Employees are prohibited from carrying personal handguns, firearms and other weapons onto City property or in City vehicles or City buildings unless carrying of weapons is considered part of the employee's job. Violation of this policy may result in disciplinary action up to and including termination.

6.18 HAZARDOUS WEATHER CONDITIONS

6.18.01 In the event of hazardous weather conditions, safety is paramount but all employees are expected to make a reasonable effort to make it to work. Should an employee feel that they cannot safely make it to work, they should stay home and must notify their Supervisor by phone prior to their scheduled work time. If the City Manager does not close city offices, any employee who chooses not to report to work during

hazardous weather conditions must use accrued vacation leave for time missed. Each Director will designate emergency service personnel who are required to be on the job regardless of weather conditions. This includes sworn fire and police personnel, communications personnel and certain public works and parks personnel.

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7.00 RULES OF CONDUCT/DISCIPLINE AND APPEALS PROCESS

7.01 GENERAL

7.01.01 The City of Murphy expects every employee to consistently maintain satisfactory performance standards. Continuing performance deficiencies, unlike the isolated violations noted in the subsequent Sections of this chapter, should first be addressed by the mutually cooperative efforts of the Supervisor and employee. Those efforts include but are not limited to:

- A. An analysis of the problem;
- B. A determination of needed changes and assistance; and
- C. Implementation of a corrective plan of action and establishment of achievement dates.

7.01.02 If performance standards are not met within a reasonable period of time, the employee, depending upon the reasons for failure, may be transferred, demoted or terminated. The specific action taken and the status of the employee determine what, if any, appeal rights are available to the employee. In addition, conduct that is unacceptable may be cause for discipline in the form of progressive discipline. However, because employment with the City of Murphy is on an “at-will” basis, the City reserves the right to terminate at any time without going through the steps of progressive discipline, as outlined below.

7.02 PERFORMANCE STANDARDS

7.02.01 The following types of conduct are unacceptable and may be cause for discipline in the form of a documented oral reprimand, written reprimand, suspension, demotion or termination, depending upon the facts and circumstances of each case. The examples given below are typical, but not all-inclusive:

- A. Unsatisfactory attendance is exemplified by, but not limited to, the following violations:
 - 1. Unexcused absence or tardiness;
 - 2. Failure to give notice of an absence or tardiness to the Supervisor within thirty (30) minutes prior to starting time or as may be prescribed by departmental policy;
 - 3. Absence or tardiness that causes significant curtailment or disruption of services without sufficient justification; or

4. Abuse of leave, such that the employee's absence from the workplace renders him or her unable to perform the essential functions of the job at a satisfactory level, except as covered by the Family and Medical Leave Act.
- B. Frequent claiming of sick leave may constitute grounds for the assumption of the Department Director that the physical condition of an employee is below the standard required for the employee to perform the essential functions of the job.
- C. Abandonment occurs when an employee deliberately and without authorization is absent from the job or refuses a legitimate order to report to work, for three (3) consecutive work days. Absence for three (3) days without proper notification or without satisfactory reason shall be considered job abandonment and the employee shall be terminated. The employee shall be ineligible for payment of accumulated vacation or sick leave.
- D. Inability or unwillingness to perform assigned work satisfactorily is exemplified by, but not limited to, the following violations:
1. Failure to follow routine written or verbal instructions;
 2. Arguing over assignments or instructions; or
 3. An accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient and competent manner.
- E. Indifference toward work is exemplified by, but not limited to, the following violations:
1. Inattention, inefficiency, loafing, sleeping, carelessness or negligence;
 2. Reading unauthorized material, playing games, watching television, movies or videocassettes, accessing unauthorized Internet sites, unauthorized e-mail usage or otherwise engaging in entertainment while on the job and/or in view of the public;
 3. Excessive failure to remain at one's work station without notifying his Supervisor, leaving work without permission or taking excessive time or more time than allowed for eating or break periods;
 4. Performance of personal business;
 5. Interference with the work of others; or
 6. Discourteous or irresponsible treatment of the public or other employees.

F. Sabotage is exemplified by, but not limited to, the following violations:

1. Deliberate damage to or destruction of City equipment or property;
2. Defacing of City property;
3. Unauthorized alteration, removal, destruction or disclosure of City records;
4. Advocacy of or participation in unlawful trespass or seizure of City property;
5. Encouraging or engaging in slowdowns, sit-ins, strikes or other concerted actions or efforts to limit or restrict employees from working;
6. Encouraging City employees to disobey provisions of these rules and regulations, the City Charter, City ordinances or other laws;
7. Interference with the public use of or access to City services, properties or buildings; or
8. Threats to commit any act of sabotage as defined in this subparagraph.

G. Safety violations are exemplified by, but not limited to, the following violations:

1. Failure to follow City or departmental safety rules and regulations;
2. Failure to use required safety apparel;
3. Removal or circumvention of a safety device;
4. Lifting in a manner that may cause injury;
5. Operations of a vehicle or other equipment in an unsafe, negligent or careless manner;
6. Smoking in a prohibited area;
7. Endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
8. Failure to report an on-the-job injury, vehicle accident or unsafe working condition;
9. Failure of a Supervisor to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress; or

10. Failure to maintain a driving record acceptable to the City, if driving is required by the position description.

H. Dishonesty is exemplified by, but not limited to, the following violations:

1. Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employees;
2. Cheating, forging or willful falsification of official City reports or records;
3. False reporting of the reason for a paid leave of absence;
4. Any other falsifying action detrimental to the City, City employees or others; or
5. False swearing or false testimony.

I. Theft, regardless of item value, is exemplified by, but not limited to, the following violations:

1. Unauthorized taking of City property, City supplies or the property of others;
2. Unauthorized use of City or employee funds;
3. Using or authorizing the use of City equipment, supplies or employee services for other than official City business, including the unauthorized use of long distance or pay telephone services (including "900" toll calls); or
4. Using or authorizing the use of City equipment or employee services without proper authority.

J. Insubordination is exemplified by, but not limited to, the following violations:

1. Willful failure or refusal to follow the specific orders or instructions of a Supervisor or higher authority; or
2. Pursuit of a denied request to a higher authority without revealing the lower level disposition; provided that:
 - a. If the employee believes an instruction or order is improper, he or she should request an interpretation of the next higher level of authority; or
 - b. If the employee believes the instruction or order, if followed, would result in physical injury to the employee or others, or damage to City equipment, the employee should request approval by the next higher level of supervision before performing the work, unless the danger complained about is inherent to the job.

K. Abuse of drugs or alcohol is exemplified by, but not limited to, the following violations:

1. An employee is judged unable to perform duties in an effective and safe manner due to:
 - a. ingestion, inhalation or injection of a drug; or
 - b. ingestion of an alcoholic beverage.
2. An employee possesses or ingests, inhales or injects into his body a drug:
 - a. during working hours and lunch periods;
 - b. in a City vehicle; or
 - c. on City property.
3. An employee possesses or ingests an alcoholic beverage:
 - a. during working hours and lunch periods;
 - b. in a City vehicle; or
 - c. on City property, except at an authorized City event.
4. In this Section:
 - a. "Drug" means a controlled substance as defined by Chapter 481 of the Texas Health and Safety Code, as may hereafter be amended.
 - b. "Alcoholic beverage" means alcohol or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

L. Disturbance is exemplified by, but is not limited to, the following violations:

1. Fighting or boisterous conduct;
2. Deliberate causing of physical injury to another employee or citizen;
3. Harassment, as defined by the Texas Penal Code, or intimidation;
4. Unnecessary disruption of the work area;
5. Use of profane, abusive, threatening or loud and boisterous language;

6. Sexual harassment;
 7. Spreading of false reports; or
 8. Other disruption of the harmonious relations among employees or between employees and the public.
- M. Abuse of City property is exemplified by, but is not limited to, the following violations:
1. Intentional, careless or negligent damage or destruction of City equipment or property;
 2. Waste of materials or negligent loss of tools or materials; or
 3. Improper maintenance of equipment.
- N. Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended.
- O. Any employee found to have been negligent with City property may be required to pay restitution to the City.
- P. Misconduct is any criminal offense or immoral conduct, during or off working hours, which, on becoming public knowledge, could have an adverse effect on the City or the confidence of the public in City government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, arrest or confinement.
- Q. Disregard of public trust is any conduct, during or off working hours, which, on becoming public knowledge, could impair the public's confidence or trust in the operation of City government.
- R. Failure to report a violation is exemplified by, but not limited to, failure to report to the proper authority any known violation described in Subsections F, G, H, I, J, K, L or M.
- S. An employee shall maintain sufficient competence to properly perform his or her duties and to assume the responsibilities of his or her position. He or she shall direct and coordinate his or her efforts in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the City. The fact that the employee was deemed competent at the time of employment shall not preclude a judgment of incompetence as the result of job performance deficiencies. Apart from, or in addition to, other methods of proof of incompetence, such as failure to achieve and maintain acceptable job

proficiency and to accept and execute duties, responsibilities, instructions and orders with minimum supervision, a written record of repeated disciplinary actions for infractions of policies, rules, regulations, manuals or directives, or repeated adverse counseling reports and/or evaluations reflecting need for improvement or indicating performance inadequacies, will be considered prima facie evidence of incompetence.

- T. No employee shall discriminate against any individual on the basis of race, color, creed, religion, gender, national origin, age, disability or physical handicap.
- U. An employee shall maintain a neat, well-groomed appearance and style his hair and wear his uniform or other apparel in accordance with individually established departmental standards.
- V. An employee shall maintain high standards of moral conduct in his personal affairs and shall not be a participant in any incident involving moral turpitude that tends to or does impair his or her ability to perform as a City employee or cause the City to be brought into disrepute.
- W. An employee shall refrain from undertaking any financial obligation that he or she knows, or should know, he or she will be unable to meet. An employee shall pay all just debts when due. Conduct in violation of this policy that tends to impair the efficient operation of municipal administration or causes the City to be brought into disrepute may be cause for disciplinary action. Further, an employee shall not solicit any employee to co-sign or endorse any promissory note or other loan.
- X. No employee shall engage in any form of labor organization or association activities while on duty or on City property. An employee shall have the right to join labor organizations, but nothing shall compel the City to recognize or to engage in collective bargaining with any such labor organizations.
- Y. No employee shall be or become a member with intent to further its aims of any organization, association, movement or group which advocates or approves the commission of acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unlawful means.
- Z. Employees shall notify their immediate Supervisor of traffic violations, except Class C traffic offenses, any arrest, indictment or conviction within five (5) calendar days of such traffic violation, arrest, indictment or conviction. Employees who operate City vehicles or equipment are required to notify their immediate Supervisor of all traffic violations involving City vehicles within five (5) calendar days of any citation or conviction therefore.
- AA.No employee shall make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action

is to be taken at a future time or any proposed law enforcement action to any person not authorized to receive it. An employee shall treat the official business of the City as confidential and shall disseminate information regarding official business only to those for whom it is intended in accordance with established City procedures and consistent with the Texas Public Information Act. An employee may remove or copy official records or reports from a City office only in accordance with established procedures and with the approval of the applicable Department Director. An employee shall not promise confidentiality or divulge the identity of a person giving confidential information except when authorized by proper authority and necessary in the performance of their work. Further, an employee shall not use information gained from any City information system for anything other than official City business.

AB. An employee shall cooperate in an internal investigation in which he or she is the primary focus or for which he or she is a witness or affected party.

7.03 TYPES OF DISCIPLINARY ACTION

7.03.01 In general, and depending on the specific violation(s), the City follows a progressive discipline system whenever necessary to correct employees. In making a decision as to what type of discipline should be imposed, a Department Director should consider such factors as the type and severity of the offense(s), the employee's work record, and any mitigating circumstances that may be relevant to the situation. However, because employment with the City of Murphy is on an "at-will" basis, the City reserves the right to terminate at any time without going through the steps of progressive discipline, as outlined below.

7.03.02 The City Manager may take any disciplinary action against a City employee. The City Manager may follow the procedures in Section 7.03.03 but is not required to do so. There is no right to appeal disciplinary action taken by the City Manager.

7.03.03 The following disciplinary actions are not exhaustive and may be initiated against an employee for violations of these Regulations and/or City or departmental rules and regulations. The City reserves the right to formulate disciplinary actions not addressed specifically in this Section.

- A. Oral Reprimand: An oral reprimand is best suited for a minor rule infraction or incident of substandard performance. An oral reprimand should identify violations and indicate areas needing improvement. Two members of management shall always be present during an oral reprimand.
- B. Written Reprimand: A written reprimand is a formal warning of an infraction that may result in suspension, demotion or termination should the instances of misconduct reoccur.

1. Prior to issuing a written reprimand, the Supervisor or Department Director shall consult with the Human Resources Department.
 2. The employee shall be given the opportunity to respond in written form to the written reprimand within five business days of receipt.
 3. Both the disciplining Supervisor and the employee should sign the written reprimand.
 4. Copies of the written reprimand and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file. These records shall be subject to the Public Information Act.
 5. Included in the written reprimand shall be:
 - a. A statements(s) of the specific violation(s) of policy;
 - b. The specific incident(s) causing the action;
 - c. What changes in behavior are expected;
 - d. What range of penalties may be imposed if no changes are made by the employee; and
 - e. The right to appeal as set forth in Section 7.04 – Procedures to Appeal a Written Reprimand.
- C. Suspension: A suspension is to bring about a change in behavior and results in time off without pay. The employee should be encouraged to reflect on his or her behavior during the suspension and to decide whether he or she wishes to correct the offending behavior or terminate his or her employment.
1. Department Directors may suspend an employee without pay for a period of not less than one (1) hour or more than ten (10) working days.
 2. Prior to suspending an employee, the Department Director shall consult with the Human Resources Department. Suspension for more than ten (10) working days requires the written approval of the City Manager.
 3. Copies of the suspension and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file and subject to the Public Information Act.
 4. The Department Director shall give written notice to the employee stating:

- a. The specific rule(s) or policy(ies) violated;
 - b. The specific incident(s) leading to the suspension;
 - c. Due to the violation(s), a suspension is imposed;
 - d. The employee's right to appeal the suspension to the City Manager in accordance with Section 7.05 – Procedures to Appeal a Demotion, Suspension or Termination; and
 - e. The finality of the action if the employee fails to appeal within the specified time period.
- D. Demotion: A demotion results in the removal of job duties based on a violation of City or department policies. Demotion may result in a reduction in pay, change in job title, removal of job privileges or other actions at the City's sole discretion.
- 1. Prior to demoting an employee, the Department Director shall consult with the Human Resources Department.
 - 2. Demotions may be either permanent or for a predetermined specified period of time.
 - 3. Copies of the demotion and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file and subject to the Public Information Act.
 - 4. The Department Director shall give written notice to the employee stating:
 - a. The specific rule(s) or policy(ies) violated;
 - b. The specific incident(s) leading to the demotion;
 - c. Due to the violation(s), a demotion is imposed;
 - d. The employee's right to appeal the demotion to the City Manager in accordance with Section 7.05 – Procedures to Appeal a Demotion, Suspension or Termination; and
 - e. The finality of the action if the employee fails to appeal within the specified time period.

E. Termination

1. Prior to terminating an employee, the Department Director shall consult with the Human Resources Department.
2. Copies of the termination and all supporting documentation, and the employee's written response, if any, shall become a permanent part of the employee's personnel file and subject to the Public Information Act.
3. A Department Director shall give written notice to the employee stating:
 - a. The specific rule(s) or policy(ies) violated;
 - b. The specific incident(s) leading to the termination;
 - c. Due to the violation(s), a termination is imposed;
 - d. The employee's right to appeal the termination to the City Manager in accordance with Section 7.05 – Procedures to Appeal a Demotion, Suspension or Termination; and
 - e. The finality of the action if the employee fails to appeal within the specified time period.

7.04 PROCEDURES TO APPEAL A WRITTEN REPRIMAND

7.04.01 The City follows the following procedure to appeal a written reprimand:

- A. Any employee dissatisfied with any written reprimand received by that employee may file a written appeal to his or her Department Director within five (5) calendar days of the action taken. In the event the Department Director or the City Manager has rendered the written reprimand, the Department Director's or City Manager's action shall be non-appealable.
- B. The written appeal must be submitted to the Department Director and shall contain the following information:
 1. The type of disciplinary action being appealed and the effective date of the action;
 2. The specific reason the discipline is judged to be unjust or otherwise in error;
 3. The remedy or solution sought; and
 4. The signature of the disciplined employee.

- C. A Department Director shall discuss the facts surrounding the disciplinary action with the affected employee. A careful review of the charges and evidence of the action and/or omission shall be conducted by the Department Director. A Department Director shall respond in writing to the employee, stating the disposition of the written reprimand within five (5) calendar days of the discussion. The Department Director may sustain, reverse, modify or amend the action taken as he determines is just and equitable under all the facts and circumstances of the case. A written reprimand may not be appealed beyond the Department Director.

7.05 PROCEDURES TO APPEAL A TERMINATION, DEMOTION OR SUSPENSION

7.05.01 The City follows the following procedure to appeal a termination, demotion or suspension:

- A. A Department Director or an employee who reports to the City Manager, who is terminated, demoted or suspended by the City Manager, shall have no right to appeal that decision. Probationary employees are also not afforded a right of appeal under this policy.
- B. Any employee, other than a Department Director or an employee who reports directly to the City Manager, who is terminated, demoted or suspended without pay shall have a right to appeal that decision to the City Manager. The right to appeal must be exercised within five (5) calendar days of the date of the decision by submission of a written statement to the City Manager and the Human Resources Department. The statement shall include no more than 2,000 words to summarize the facts of their case and clearly document the specific action they are requesting by the City Manager (sustain, reverse, modify or amend the decision.) Supporting documentation will also be accepted but cannot exceed twenty (20) pages in length. If the employee fails to appeal the decision of the Department Director in accordance with these provisions, the decision of the Department Director shall become final and non-appealable.
- C. The appeal procedure referenced herein may be modified and there is no absolute right to any appeal procedure. Further, the failure to follow any procedure referenced herein does not create any additional appeal rights.

7.06 CITY MANAGER'S REVIEW AND DETERMINATION

7.06.01 Upon conclusion of the review of the appeal documentation, the City Manager shall have fourteen (14) days from receipt of the appeal documentation in which to make a determination. After reviewing evidence presented, the City Manager may sustain, reverse, modify or amend the action taken as he or she determines is just

and equitable under all the facts and circumstances of the case. Likewise, the City Manager may also make additional inquiry into the facts presented in the appeal. In such case, the employee will be notified if the process will extend beyond the 14 day period outlined in this policy. The decision of the City Manager will be issued in writing and is final and non-appealable.

7.07 FAILURE TO FOLLOW APPEAL PROCEDURE

7.07.01 If any employee fails to appeal any disciplinary action according to the provisions expressly set forth herein, or within the time limits specified in this chapter or if the employee fails to appear at any hearing, the disciplinary action shall be final and non-appealable.

7.08 APPEAL NOT ANSWERED

7.08.01 If an appeal is not answered within the specific time limits, the employee may proceed to the next step, if any, in the appeal process.

7.09 TIME LIMITS

7.09.01 Any time limit specified in the procedures under this chapter may be extended by mutual written agreement.

7.10 ADMINISTRATIVE LEAVE WITH PAY

7.10.01 An employee who is suspected of a violation of state, Federal or local law, City ordinance, a rule, regulation, or these Regulations, may be subject to disciplinary action up to and including termination or may be placed on administrative leave with or without pay pending the outcome of any related investigation and/or the imposition of disciplinary action. The City Manager must approve any administrative leave with or without pay.

7.11 INAPPLICABILITY

7.11.01 A reduction in force is not an appealable or grievable personnel action and any employee separated from City employment as a result of a reduction in force has no right to appeal or grieve such separation.

7.12 GRIEVANCE POLICY

7.12.01 A grievance is an allegation regarding the violation, misinterpretation or improper application of a specific state or Federal law, regulation, or City charter, policy or ordinance provision. This does not include questioning the substance of policy or complaints regarding an employee's individual working conditions. It is the policy of the City, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for exercising the grievance right. A grievance may be filed by an employee on one or more of the following grounds: illegal discrimination based on sexual orientation, race, age, religion, color, disability or national origin, gender or status as a Vietnam-era or special disabled veteran, or status in any group, protected by Federal, state or local law; improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves); unfair treatment; improper application of fringe benefits; improper working conditions, or any violation of state or Federal law. This grievance policy does not address or apply to employee disciplinary actions or to procedures to appeal a termination, demotion or suspension.

7.13 GRIEVANCE PROCEDURE

Informal Grievances

7.13.01 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 or Department Director. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal, written grievance.

Formal Grievances

7.13.02 Formal grievances must be in writing, signed by the employee, and presented to the employee's Department Director within ten (10) calendar days after the alleged grievance occurred. The grievance document shall include the following:

- A. The names of each individual involved in the grievance either as a party whose action is subject to the grievance or as a witness;
- B. A description of the basis of the appeal sufficient to reasonably appraise the decision maker of the nature of the grievance;
- C. A description of any documentation or physical evidence which should be considered in determining the grievance;
- D. If a grievance involves a violation of law, a description of the City policy or procedure, ordinance, State or Federal law, if any, which the employee in good

faith believes has been violated or may be relevant to the appeal as well as a description of how the provision is relevant to the grievance is/are required;

- E. A statement of the specific remedial action requested by the employee along with the employee's signature.

7.13.03 An employee may be represented throughout the grievance process by a representative of his or her choosing, who may be another City employee but cannot include members of the City Council.

7.13.04 After being presented with a written and signed grievance, the Department Director will:

- A. Consult with the employee and such other persons as may be necessary to gather the facts;
- B. Notify the City Manager, in writing;
- C. Attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
- D. Communicate the decision to the employee in writing within ten (10) calendar days after date the grievance is filed, sending a copy of the decision to the City Manager.

7.13.05 If the employee either receives no written decision from the Department Director within ten (10) calendar days from the date the grievance was filed, or the employee is not satisfied with the proposed resolution, he or she must deliver to the City Manager a written statement notifying the City Manager of the employee's desire for an additional review of the grievance within the sooner of five (5) calendar days of receiving the proposed resolution or within fifteen (15) days of the date the grievance was filed. The City Manager will review the facts and the file, meet with the parties involved, and respond in writing to the employee within fourteen (14) calendar days of the date the appeal was received in the City Manager's office. The decision of the City Manager is final.

7.13.06 If the employee brings a formal grievance against the employee's Department Director, the formal grievance must be in writing, signed by the employee, and presented to the City Manager within ten (10) calendar days after the alleged grievance occurred. The grievance document shall include the same information as required in Section 7.13.02. After being presented with the written, signed grievance, the City Manager shall:

- A. Consult with the employee and such other persons as may be necessary to gather the facts;

- B. Attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
- C. Communicate the decision to the employee in writing within ten (10) calendar days after date the grievance is filed. The decision of the City Manager shall be final.

7.13.07 If the employee brings a formal grievance against the City Manager, the formal grievance must be in writing, signed by the employee, and presented to the Mayor or City Attorney within ten (10) calendar days after the alleged grievance occurred. The grievance document shall include the same information as required in Section 7.13.02. After being presented with the written, signed grievance, the Mayor, City Council and/or City Attorney shall:

- A. Notify the employee as to when the Mayor and the City Council will meet with the employee and such other persons as the Mayor and the City Council deem necessary to gather the facts and discuss the grievance;
- B. Meet, discuss and attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
- C. Review the grievance and communicate the decision of the City Council to the employee in writing within thirty (30) calendar days after having reached a decision as to the grievance. The decision of the City Council shall be final.

7.13.08 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 ten (10) working days in simple grievance matters. The total time for a final resolution should not exceed sixty (60) calendar days.

7.13.09 A copy of all documentation relating to the grievance will be forwarded to the City Manager's office immediately upon conclusion of each step in the grievance process to be placed in the employee's personnel file.

7.13.10 If the employee is dissatisfied with any decision during the grievance process, he or she must appeal to the next step, if any, within the established time period. Failure to timely appeal is a determination that the employee is satisfied with the last decision.

7.14 WHISTLEBLOWER ACT

7.14.01 The Texas Whistleblower Act was enacted by the Texas Legislature to protect public employees who report violations of law by their governmental employers. For a City employee to be protected by the Whistleblower Act, the employee must:

- A. Report a violation of law;
- B. In good faith; and
- C. To an appropriate law enforcement authority, and as a result, the employee is suspended, terminated or suffered some adverse employment action as a result of making the report.

If you believe that you have suffered an adverse employment action as a result of making a good faith report of the violation of a law, please notify your Supervisor or the Human Resources Department to discuss your concerns. It is the City's policy that no employee suffers an adverse employment action for a good faith reporting of the violation of a law.

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8.00 EMPLOYEE SEPARATIONS

8.01 TYPES OF SEPARATIONS

8.01.01 All separations of employees are designated as one of the following types:

- A. Resignation;
- B. Retirement;
- C. Reduction in Force;
- D. Involuntary Termination;
- E. Disability; or
- F. Death.

8.02 RESIGNATION

8.02.01 An employee who intends to resign must notify his or her Supervisor, in writing, of the date on which he or she wishes resignation to be effective. This notification should be given at least ten (10) working days prior to the employee's last day of employment. The Department Director is responsible for notifying the City Manager within twenty-four (24) hours.

8.02.02 An employee may leave City service in good standing by submitting his or her written resignation in the prescribed manner, giving ten (10) working days' notice to the employee's departmental Supervisor and the Human Resources Department. The Department Director may waive any portion of the notice period. An employee resigning without the required notice shall be ineligible for reinstatement unless the notice provision provided herein is waived.

8.02.03 The written notice shall include, but is not limited to, the following:

- A. Date of letter;
- B. Last day of employment;
- C. Forwarding address; and
- D. Signature of the employee.

8.02.04 All records, property, uniforms or other instruments, including ID badges, belonging to the City of Murphy in the possession of the separated employee shall be returned as soon as practicable. Within the final two weeks of employment, regardless of the length of notice given, the resigning employee will not be approved to use sick leave that was not previously approved prior to the date of the resignation letter.

8.03 RETIREMENT

8.03.01 Where practical, employees shall give the Human Resources Department written notice of their intent to retire at least forty-five (45) days prior to the proposed date of retirement in order to file a written application for retirement with TMRS.

8.04 REDUCTION IN FORCE

8.04.01 It is the policy of the City of Murphy to ensure departments are staffed with adequate personnel so that effective and efficient delivery of services to the citizens of Murphy can be accomplished. In some cases a reduction in force (RIF) may occur as a result of business necessity. Business necessity includes, but is not limited to, fiscal priorities, department restructuring of duties to improve efficiency, or changes in service. Whenever possible, employees impacted by a reduction in force shall be given at least two weeks' notice of the imminent loss of their job.

8.04.02 The City Manager shall notify Department Directors of any required workforce reductions. The Department Director shall determine which service and/or position should be eliminated. The Department Director will employ best efforts to structure the reduction to minimize the total number of affected employees while preserving the highest service delivery levels. All departmental reduction in force plans must be reviewed by the City Manager's Office and the Human Resources Department prior to providing layoff notices to employees. The plan should include a written explanation of whether the reduction in force plan will impact current service or production and any requests for technology or other services that are needed in order to maintain service and production.

8.04.03 The following employee criteria may be considered when conducting a reduction in force:

- A. Time in current position/function;
- B. Time with the city;
- C. Time with the specific department; and
- D. Performance within the City.

8.04.04 Once reduction in force decisions are recommended and approved, the Human Resources Department will be responsible for the coordination, communication, and out-processing of separated employees. The Human Resources Department will work with laid off employees and departments to find employment within the City. Employees who receive a notice of lay-off will be given preferential consideration for vacant position thru transfers and/or demotions which they are qualified to fill. When a promotional vacancy exists, the normal procedure will be followed; there will be no preferential consideration. Preferential consideration means the laid off employee will be interviewed before other candidates and, if the individual is not selected, the non-selection reason will be reviewed by the Human Resources Department.

8.04.05 Transfers due to the reduction in force will take place from current vacancies or from reclassifications. Impacted employees in senior level positions will not be allowed to displace a junior level position by transitioning to the lower position. When an employee transitions to a lesser position as a result of the reduction in force, the employee's current pay will be unaffected if it falls within the lesser position's pay range. If the employee's current pay exceeds the lesser position's pay range, the employee's pay will be established at the maximum of the lesser position's pay range.

8.04.06 Any position eliminated as a result of a reduction in force may not be refilled for at least six (6) months following the effective date the position was eliminated. Any contracted services obtained as a result of the reduction in force must be shown to be more cost effective than maintaining the position.

8.04.07 No decision to separate an employee from employment will be based on race, sex, age, national origin, disability status, Vietnam Era Veteran status of an employee or any other protection afforded by Federal, State, or local law.

8.04.08 Employees impacted by the reduction in force may be given first preference consideration in reemployment should a vacancy of the same classification within the department in which they left occurs. The employee's performance, ability to perform the essential duties of the position and ability to successfully pass all medical/physical requirements will be taken into account when determining eligibility. This right to reemployment as described shall be limited to six months from the official date of layoff.

8.05 INVOLUNTARY TERMINATION

8.05.01 All employees are employed at will and may be terminated involuntarily with or without cause at any time during their employment. In the case of involuntary termination, the employee will receive their final paycheck via direct deposit within six (6) business days of termination.

8.06 DISABILITY

8.06.01 In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the City to hold the position open, and if no position is available which the employee could perform, the employee will be separated from employment with the City.

8.07 DEATH

8.07.01 If a City employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death. If probate is not opened, the legal heirs may apply for payment and shall be requested to provide proper documentation and identification and execute all documents deemed necessary by the City to receive payment of any earned and payable benefits or wages.

8.08 CALCULATION OF SEPARATION PAY

8.08.01 Upon voluntary separation from City employment, a full-time employee who has completed at least six (6) months of continuous employment will be paid for accrued unused vacation leave up to the maximum allowable accumulation limit as provided in Section 4.06. Unused accrued holidays and personal days will be paid out upon separation from the City.

8.08.02 Unused sick leave will be canceled upon separation of employment with the City, except as provided in Section 8.08.03 below.

8.08.03 Accrued sick leave shall not be paid to any City employee upon separation from employment with the City with the exception of retirement. Employees hired prior to July 1, 2009 may be compensated for any accrued sick leave, not to exceed four hundred (400) hours (six hundred (600) for full-time fire suppression personnel) upon retirement from the City. Payout is subject to budget allocation and approval of the City Council upon recommendation from the City Manager. Employees hired after July 1, 2009 will not receive payout of any accrued sick leave upon retirement. City of Murphy retirement standards mirror what the current TMRS retirement standards are at the employee's date of retirement.

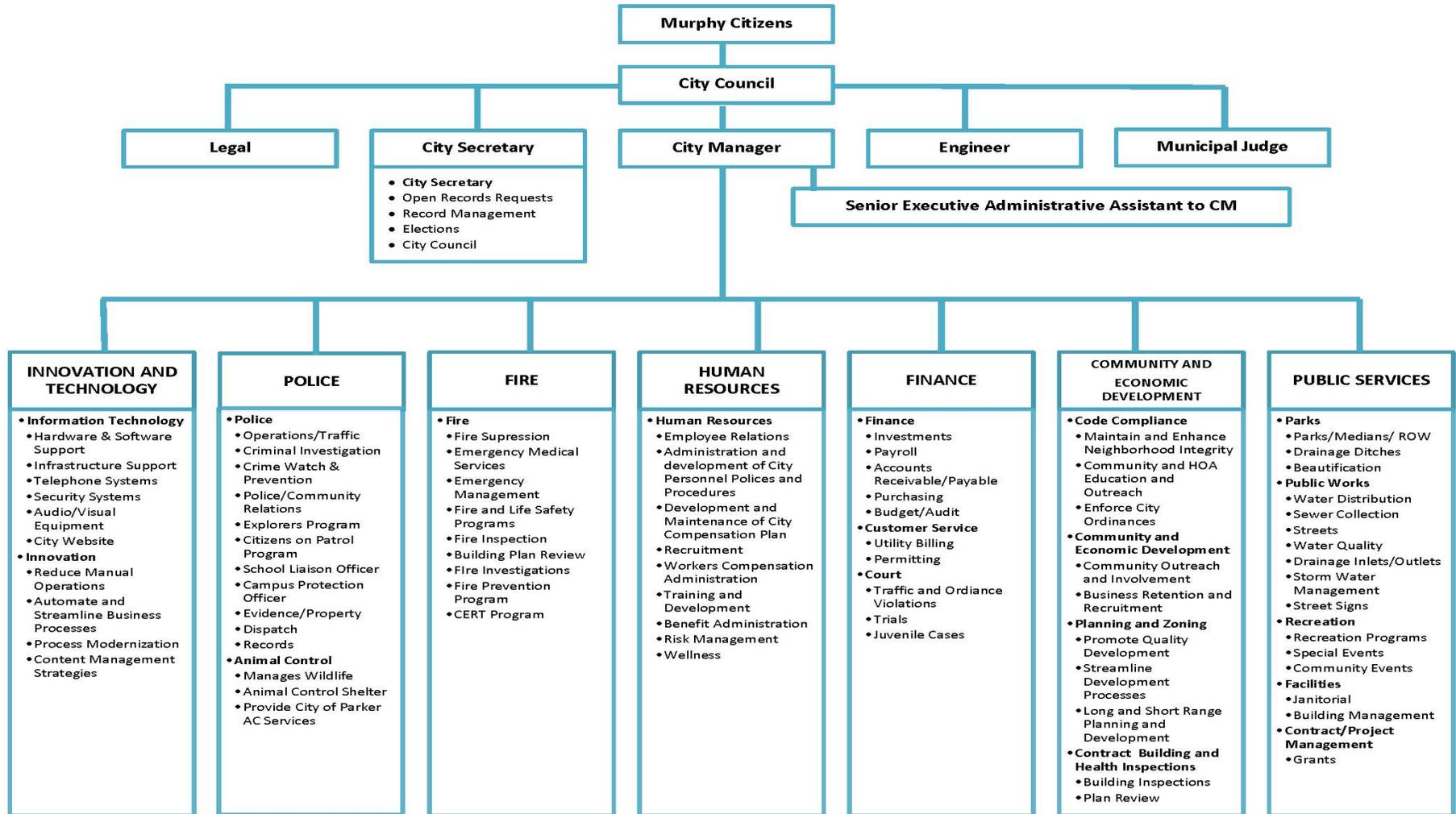
8.08.04 The employee will receive his or her final paycheck via direct deposit on the regularly scheduled payday following his or her last day of employment.

8.09 CONTINUATION OF GROUP INSURANCE

8.09.01 The Federal *Consolidated Omnibus Reconciliation Act of 1985 (COBRA)* provides individuals with the option of continuing group health insurance coverage, under specified conditions and at the individual's full expense, beyond the date which the insurance would otherwise terminate. Upon separation from the City, information regarding continuation of group benefits will be sent to each covered employee and family members. Specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

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ADDENDUM A: ORGANIZATION CHART



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ADDENDUM B: CELL PHONE ALLOWANCE POLICY

9.01 PURPOSE

9.01.01 This policy addresses the initiation of an allowance for employees using their personally-owned mobile communications devices (MCD) for business purposes.

9.01.02 Approved employees whose job duties require the frequent use of MCDs will be given a taxable monthly allowance to compensate for business use of an employee-owned MCD. All employees receiving an allowance will be paid through payroll and will be subject to withholdings such as FIT, FICA, TMRS, etc.

9.01.03 Definitions related to this policy include:

- A. Mobile Communications Device (MCD): Any device that is capable of using the services provided by the public/private cellular networks. These devices range from a simple cell phone to devices with the capability to access the Internet (generally referred to as a Smart Phone).
- B. Conversation: Communication exchange between two (2) or more individuals taking place in voice or data format.

9.02 ELIGIBILITY

9.02.01 A list of classifications approved for a MCD allowance is developed and maintained by the Human Resources Department and approved by the City Manager. Justification for a MCD allowance includes an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Eligibility must also fall under at least one (1) of the following categories:

- A. Public/Personal Safety: The employee requires immediate direct communication with local police, fire and/or emergency medical units or agencies in order to provide for the safety of citizens or employees.
- B. Accessibility: The employee requires immediate direct communication to conduct City business and there is typically no access to a conventional telephone, or computer, or it is deemed more cost effective than the employee seeking alternative methods of completing the task.
- C. Responsiveness: The employee requires immediate direct communication to conduct urgent City business to ensure responsiveness to operational and/or support functions.

- D. Responsiveness: The employee requires immediate direct communication to conduct urgent City business to ensure responsiveness to operational and/or support functions.

9.02.02 Interns, contract employees, part-time employees, temporary employees, or consultants will not be eligible to receive MCD allowances unless extenuating circumstances require such an arrangement.

9.03 ALLOWANCE

9.03.01 The MCD allowance is not intended to pay the full cost of the employee's monthly usage costs with their provider. It is intended to only cover the reasonable cost that the employee incurs while using the device/service as part of their job duties and responsibilities. The MCD Allowance guidelines are as follows:

- A. The employee is responsible for procuring and paying for all services and equipment.
- B. MCD allowances are based upon careful analysis of type of service required, employees' business usage trends, as well as cost comparisons of current market offerings.
- C. An additional allowance, provided initially and every two (2) years thereafter, will be provided for the activation and for the purchase/upgrade/replacement of devices or accessories.
- D. All MCD allowances are taxable income. The allowance does not constitute an increase to base pay and will not be included in the calculation of pay increases or retirement contributions. Taxes incurred as a result of the MCD allowance are the responsibility of the employee and will not be reimbursed to the employee.
- E. The employee must retain an active MCD service contract as long as the allowance is in place. The employee owns the device and may use the device for both personal and business purposes, as needed. Additional features or services may be added at the employee's own expense.

9.04 RESPONSIBILITIES

9.04.01 Employee Responsibilities Include:

- A. Employee must receive Supervisor's approval.

- B. Review and sign the Mobile Communication Device Allowance Authorization Form.
- C. Select a device and service provider whose service and coverage meets the requirements of the job responsibilities. If an employee is repeatedly unable to be contacted via their MCD due to problems with the selected mobile service provider, the City may request that the employee change providers.
- D. Provide Supervisor with current contact information or address of the communication device within three (3) days of activation or the allowance maybe cancelled.
- E. Acknowledge that Supervisors may periodically request that the employee provide a copy of the first page of the phone bill in order to verify that he/she has an active mobile communications device. Supervisors may also periodically request documentation of business use to determine the appropriateness of eligibility and level of the allowance amount.
- F. Assure availability for communication, be in possession of the MCD, and have it charged and turned on.
- G. Notify Supervisor immediately of damaged, lost, or stolen MCDs and service cancellations. Employee must secure device/service replacement within three (3) days or a timeframe set by Supervisor. Any associated costs for replacement will be the responsibility of the employee. Employees utilizing MCDs that store electronic files, data, e-mail messages or other potentially sensitive City data are required to notify the Information Technology Department immediately of the loss or theft. If possible, the Information Technology Department will take appropriate action to ensure the confidentiality of City data, including, but not limited to, remote deactivation of City-sponsored applications loaded on the missing device.
- H. Acknowledge responsibility for complying with any contracts the employee enters into with service providers, including payment of all charges incurred. In the event an employee ceases to be employed with the City or becomes ineligible for the allowance, the employee continues to be responsible for the contractual obligations of the service plan.
- I. Comply with various policies or laws (i.e.; City policies related to safety while using MCDs, state and municipal laws regarding the use of MCDs while driving, City's Electronic Communication Policy, etc.) currently in effect which pertain to MCDs. Employees whose MCDs are capable of accessing the City of Murphy's e-mail or other information system are reminded that these systems are intended for official City business only (i.e.; personal e-mails sent through City email system) .

- J. Acknowledge that MCD transmissions are not secure and employees should use discretion in relaying confidential City business-related information over a MCD. Conversations (i.e.; voice and data) over an MCD can be monitored legally or illegally.
- K. Acknowledge that MCD records may be subject to the Public Information / Open Records Act. Information generated on, processed by, or stored on an MCD used for City-related business, as well as all related billing records, is considered as public information and may be subject to requests made by members of the public including the Press. Examples of types of information requested may include, but are not limited to, phone calls, voicemails, e-mails, all types of messaging, photographs, Internet usage, and application usage. Information related to phone conversations typically obtained through the Open Records Act include phone numbers called/received, length of calls, and date/time of calls, except in narrowly defined circumstances.
- L. Ensure that MCD's audible/vibrate notification settings are appropriate for current working environment and should not interfere with customers or other employees.
- M. Make the personal MCD phone number available for inclusion in the City's telephone and department Directories as deemed appropriate by Supervisor.
- N. Reimburse City for allowances received by employee for periods of inactive service exceeding seven (7) days. In some instances, a prorated amount may apply.
- O. Do not drive or operate a vehicle while conducting City business with an MCD unless the mobile device is hands-free.
- P. Acknowledge and agree to enroll into the City's Mobile Device Management (MDM) system. This will connect email, calendar, contacts, WIFI, and any city provided business applications, if applicable.
- Q. Acknowledge that the MCD may not be rooted or "jailbroken" to connect to City systems.
- R. Acknowledge that an MCD must be password protected with a strong password or keycode with a screen lockout time of 15 minutes or less.
- S. Acknowledge that the City will not enforce any application download restrictions on an MCD, but may request removal of any application deemed a security risk to the City.
- T. Acknowledge that the MDM system can perform a full or partial remote wipe of an MCD. Employee is responsible to know which types their MCD supports, and

assumes all responsibility for any potential data loss. The City will not perform a remote wipe without authorization from employee.

- U. Acknowledge that MCD backups, system updates and application updates are the responsibility of the employee.

9.04.02 Departmental Responsibilities Include:

- A. Once eligibility is established, the department Director must submit a completed Mobile Communication Device Allowance Authorization Form to the Human Resources Department for additional processing.
- B. If an employee is terminated, resigns, transfers, or for any reason is no longer eligible for a mobile communications device allowance, the Supervisor will resubmit the Mobile Communication Device Allowance Authorization Form showing the service end date to terminate the allowance and will notify Finance Dept. immediately.
- C. Supervisors are responsible for ensuring that personal conversations on MCDs are kept to a minimum during official working hours.

9.04.03 Information Technology Department Responsibilities Include:

- A. Information Technology Department will provide recommendation for contracted service providers and MCDs in the event that employees may desire that City-licensed applications be loaded onto their personal device. Contracted discounts may be available and may vary from vendor-to-vendor.
- B. The Information Technology Department is responsible to select, license and maintain a Mobile Device Management (MDM) solution for City owned MCD's and authorized user's with personal MCD's
- C. The Information Technology Department will develop and maintain policies within the MDM to support email, calendar, contacts and WIFI access for city owned and authorized personal MCD's.
- D. When necessary, the Information Technology Department will load City-licensed or City-required applications onto employee-owned MCDs via the City MDM platform.
- E. The Information Technology Department will disable location tracking of employee owned MCD's.
- F. The Information Technology Department will not provide any troubleshooting services for employees who elect to purchase devices other than those

recommended by the IT staff. Limited support may be provided for employees purchasing recommended devices.

- G. Information Technology Department will not assume liability for any operating issues or data loss/corruption which may result from a City application/service or from troubleshooting employee-owned MCDs.
- H. The Finance Department will budget the monthly allowance and annual device allowance for all approved devices.
- I. During the budget process IT will assist Finance by providing any technical information that is needed to assist with calculating future allowances. Finance will calculate the annual amount of phone allowance expenses for each respective fund to transfer to each qualifying department.
- J. The Information Technology Department will review and approve all MCD email/network connectivity requests.
- K. Any MCD device that is utilized to conduct City business will be reviewed by the Information Technology Department to insure security.

9.05 WIRELESS INTERNET CARDS

9.05.01 The City equips each Public Safety Mobile Dispatch Computer with a wireless internet card in order to provide wireless network access to state and local emergency data such as Criminal Justice Information System, CAD, etc. The wireless internet cards are not for personal use and shall be administered by the Information Technology Department.

9.05.02 Each member of the Information Technology Department is provided a wireless internet card in order to provide remote support when needed. The IT Department has an additional wireless internet card which can be checked out by employees when attending conferences, training, etc.

ADDENDUM C: PURCHASING POLICY

10.01 PURPOSE

10.01.01 The policies and procedures presented herein are intended to provide for uniformity, economy, and timeliness in the acquisition of goods and services for the City of Murphy in a manner consistent with generally accepted purchasing practices and legally mandated Federal, State and local Statutes, Ordinances and codes.

10.01.02 The Finance Department shall be responsible for coordinating and controlling policies and procedures within its delegated authority.

10.01.03 It is the policy of the City of Murphy to provide at the time and place needed in the proper quantity and of the proper quality, all goods and services required for the organization's operations. Goods and services shall be procured at the lowest possible cost consistent with the prevailing economic conditions while establishing and maintaining a reputation for fairness and integrity. The procurement of goods and services shall be achieved within the mandates of Federal, State and local Statutes, Ordinances and codes.

10.02 ETHICAL CONDUCT

10.02.01 The City of Murphy believes that the following ethical principles should govern the conduct of every person who represents the municipality in any capacity, especially in regard to procurement of goods and services:

- A. Believes in the dignity and worth of the services rendered by the organization and the social responsibilities assumed as a trusted public servant.
- B. Is governed by the highest ideals of honor and integrity in order to merit the respect and inspire the confidence of the organization and the public being served.
- C. Believes that personal profit obtained through misuse of public relationships is dishonest.
- D. Identifies and eliminates participation of any individual in operational situations where a conflict of interest may be involved.
- E. Believes that no elected official or employee of the City should accept, directly or indirectly, any gift, favor, privilege or employment from any corporation or individual enjoying a grant of any franchise, privilege or easement from the City, during such employment of such employee, except as may be authorized by law or ordinance, as defined by Section 14.08 of the City Charter.

F. Seeks or dispenses no personal favors.

10.02.02 The City has statutory authority to dispose of property, other than real estate, which is surplus to the needs of the City. Surplus is defined as any tangible personal property owned by the City, which is not needed at present, or for the foreseeable future, or that is no longer of value or use to the City. Any public entity, non-profit organization, private organization or the general public is eligible to purchase surplus products at reasonable market value as determined by estimate or appraisal. Due to potential conflicts of interest, City employees, retired employees, employee family members, City Council, City Council family members, and active/pending City contractors/vendors are excluded from purchasing City surplus items, directly or through a third party.

10.02.03 City employees shall not directly or indirectly use, take or dispose of City property other than in the capacity of their official duties. All items owned by the City found to be unfit for further service on the job shall be turned in to a designated point within each department and stored for disposal via the annual auction unless the item is perishable, would create a health, sanitary or safety problem if stored or is reasonably considered garbage.

10.02.04 The City has adopted a Code of Ethics policy that all employees are required to review and must comply with the provisions of the policy.

10.03 CITY CHARTER

10.03.01 The City Council may by ordinance give the City Manager general authority to contract for expenditures without further approval of the City Council for all budgeted items not exceeding limits set by the City Council within the ordinance. All contracts for expenditures or purchases involving more than the limits must be expressly approved in advance by the City Council and awarded by the City Council in accordance with state law. Emergency contracts as authorized by law and the City Charter may be negotiated by the City Council or City Manager if given authority by the City Council, without competitive bidding, and in accordance with state law. Such emergency contracts must be approved by the City Council.

10.04 STATE STATUTES ON PURCHASING FOR MUNICIPALITIES

10.04.01 Section 252.021 of the Local Government Code states, before a municipality may enter into a contract that represents an expenditure of more than \$50,000 from one or more municipal funds, the municipality must comply with the procedure prescribed for competitive sealed bidding or competitive sealed proposals.

Exceptions to the \$50,000 bid threshold maybe found in Section 252.022 of the Local Government Code. Below is a partial list of exemptions:

- A. Purchase of land or right-of-way;
- B. Professional, personal or planning services;
- C. Sole source procurements where there is no competitive product; product is available only from a natural or regulated monopoly; product is a component of an existing system only available from that supplier.

10.04.02 Section 252.0215 of the Local Government Code requires expenditures of more than \$3,000 but less than \$50,000 to contact at least two (2) historically underutilized businesses (HUB) on a rotating basis. An attempt must be made to contact two (2) historically underutilized businesses in a written request for quote. The list of historically underutilized businesses can be found on the State Comptroller's website at: <http://www.window.state.tx.us/procurement/prog/hub/>. If the list fails to identify a HUB in Collin County, the City is exempt from Section 252.0215 of the Local Government Code.

10.05 PRICE QUOTATIONS

10.05.01 If competitive sealed bids are not used, price quotations should be solicited from a minimum of three (3) vendors to ensure competition for expenditures of more than \$3,000. A vendor currently under a State contract or an inter-local agreement with the City may be utilized. A formal quote should include specifications and purchase terms and conditions to vendors with a specific date and time to return the bid. Any requisition in the amount of \$3,000 or more is subject to requirements for contacting historically underutilized businesses. To protect the integrity of the process, all solicitations of quotes should comply with the following:

- A. Vendors should be informed that only price quotes are being solicited at this time;
- B. Vendors should not be privileged to quotes from other vendors or to City budget information;
- C. Vendors should be rotated to ensure competition;
- D. Justification for any sole source should be documented on the requisition;
- E. Quotes should be submitted with a requisition to the Finance Department;
- F. The lowest price should always be accepted, all other factors being equal;

- G. All purchases over \$1,000 must be made by purchase order;
- H. All purchases of \$2,500 or more must be approved by the Finance Director before an order is placed;
- I. All purchases of \$5,000 or more must be approved by the City Manager before an order is placed:
- J. All contracts paid annually or monthly must have a purchase order.

10.06 REQUISITIONS AND PURCHASE ORDERS

10.06.01 Departments will submit an electronic requisition for any purchase except those that must be submitted by check request or paid by credit card. These requisitions will be reviewed for available funds and approval by the proper authority.

10.06.02 Requisitions shall be specific and include purchase description, vendor and price. Price quotes submitted for a purchase should be included with the requisition. If the total annual expenditure throughout the City is above the statutory bid requirement, the formal sealed bid/proposal process must be followed. If the total annual expenditure throughout the City is below the statutory bid requirement, a source with fair and reasonable pricing must be sought. For expenditures of more than \$3,000 but less than \$50,000, at least two (2) historically underutilized businesses must be contacted if they can be located in Collin County. Results should be forwarded to the Finance Department with the requisition. All purchases over \$1,000 must be made by purchase order. All purchases of \$2,500 or more must be approved by the Finance Director before an order is placed. All purchases of \$5,000 or more must be approved by the City Manager before an order is placed. All contracts paid annually or monthly must have a purchase order and approved by the City Manager.

10.07 RECEIPT OF ORDER AND INVOICES

10.07.01 Departments will receive item(s) ordered and inspect delivery prior to acceptance. Upon receipt of invoice, items should be checked against purchase order for discrepancy. Any discrepancy will be addressed immediately with the vendor and the corrected invoice sent to the Finance Department. All invoices will be forwarded within three (3) days of receipt to the Finance Department for prompt payment.

10.08 ADVANCE PAYMENT REQUESTS

10.08.01 Certain payments, in which the use of a purchase order would not be practical, are allowed to be submitted to the Finance Department by a check request.

The Finance Director or his or her designee must approve all requests. Check requests may be utilized for the following items:

- A. Travel, training, meals or registration;
- B. Miscellaneous one time payments (easements, right of way, land purchases).

10.09 CREDIT CARD USAGE

10.09.01 Payment for certain types of transactions are allowed by credit card. Credit cards should not be used when a purchase order would be accepted or payment could be made through a check request. The following are examples of transactions that may be paid by credit card:

- A. Approved expenses associated with travel such as hotel and airlines;
- B. Registration;
- C. Items purchased for city use online;
- D. Emergency expenses.

10.09.02 All credit card receipts must be listed and coded on the credit card log as provided by Finance. The log must be signed and dated by the authorized approver. The log must be completed and returned to Finance within five days of receipt of the credit card statement. If the log with receipts is not turned in to Finance when due, the user may lose his or her credit card privileges. Department Directors are responsible for credit card expenditures by employees within their department.

10.10 CITY COUNCIL APPROVAL

10.10.01 Signature Authority of City Manager. In accordance with state law including all bidding requirements, the following contracts may be entered into and executed on behalf of the City by the City Manager or the designated Acting City Manager (hereinafter "City Manager") without further Council authorization:

- A. Contracts for the purchase of goods or services for which funds have been adopted by budget or amended budget in the fiscal year during which payment is due;
- B. Contracts for the purchase of goods or services which do not require an expenditure of funds and which are determined necessary for the efficient operation of the City and the implementation of the budget or any amended budget;

C. Contracts for use of bond proceeds, including professional services, which have been included in the project budget or any amended project budget approved by City Council;

D. Contracts for the use of City owned facilities;

E. Change Orders for the lesser of an amount of Fifty Thousand Dollars (\$50,000.00) or Fifteen Percent (15 %) of the original contract price, including budgeted amounts in (A) and bond proceeds in (C) above, with City Council notified of the change order at the next City Council meeting;

F. Settlement Agreements after approval by City Council;

G. In accordance with state law, contracts for purchases made pursuant to emergency provisions found in Section 7.15(3) of the City's Charter, Section 2.03.036 of this Code of Ordinances or any similar provisions for the City of Murphy in effect at the time of the purchase; and

H. Contracts for which the City Council has otherwise expressly provided authorization for execution by the City Manager.

10.11 CITY MANAGER AND DEPARTMENT DIRECTOR APPROVAL

10.11.01 The Department Director shall approve all expenditures. All purchases of \$2,500 or more must be approved by the Finance Director **before** an order is placed. All purchases over \$5,000 must be made by purchase order after approval by City Manager. The City Manager and Finance Director must approve all emergency purchases. Whenever possible, approval should be obtained in advance of the purchase. If prior approval is not possible, written approval must be obtained within forty-eight (48) hours thereafter, and submitted to the Finance Department with the requisition.

10.12 BID PROCESS AND REQUESTS FOR PROPOSALS

10.12.01 The Department shall initiate the bid process with bid requirements and specifications. The Finance Director shall review the bid for available funding approval prior to publication.

10.12.02 Bids/proposals will be advertised at least twice in the local newspaper. The first notice shall be published at least fourteen (14) days prior to the opening date. The bid opening date, place and time must be specified in the advertising and bid request. Bids/proposals will be date and time stamped when received by the City. Bids/proposals received after the due date and time will be rejected as non-responsive. Bid/proposal openings are open to the public. The Finance Department will prepare a tabulation of the bid responses and will communicate with the initiating department to

determine the lowest bidder who met specifications. The initiating department shall prepare an agenda item request with staff recommendation for Council consideration and award. Upon approval of the City Council, the initiating department will submit a purchase requisition to the Finance Department for processing.

10.13 PURCHASE ORDER

10.13.01 All purchases over \$5,000 must be made by purchase requisition after approval by City Manager. Departments shall prepare the purchase requisition and submit to the Finance Department. The Finance Department shall process the purchase requisition and forward to the City Manager for approval. Once approved, the Finance Department shall forward the purchase order back to the requesting department.

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ADDENDUM D: CITY OF MURPHY TRAVEL POLICY

11.01 PURPOSE

11.01.01 To provide a standard and uniform method of reimbursing employees for reasonable expenses incurred while traveling on authorized official trips.

11.01.02 These policies are applicable to all travel by City employees and other official representatives of the City while conducting City business or attending approved training programs outside of the City limits of Murphy involving reimbursable expenses.

11.02 TRAVEL AUTHORIZATION

11.02.01 Only travel and/or training which has been approved is authorized. The City Manager must approve travel or training for City employees that requires an overnight stay. Advanced approval must be obtained for all overnight travel at least ten (10) days prior to the trip. The Department Director may approve travel out of the city for daily business purposes in accordance with this policy.

11.02.02 A travel request form must be used to request and authorize all overnight travel. An approved and completed form must be submitted to the Department, Finance Director and City Manager at least ten (10) days prior to the trip for verification of availability of funds and processing of payments. Advanced checks may be issued according to the executed "Travel Request and Authorization" form.

11.02.03 No employee or official will be reimbursed for any travel expenses or be advanced any funds for travel if a prior advance is outstanding.

11.03 TRAVEL EXPENSE REPORT

11.03.01 This form must be completed and submitted to the Finance Department for audit within five (5) working days after completion of the travel. All expenses must be coded to the appropriate account number. This form is also used to request any reimbursable expenses with itemized receipts attached. Travel expense reimbursements will be made only to the extent that such expenses are incurred in accordance with the policy set forth in these travel regulations. If any portion of the travel advance is unused, the amount to be returned to the City must accompany the Travel Expense Report. Expenses that are reimbursed by another agency must be shown as such on the Travel Expense Report.

11.03.02 If an individual fails to comply with the reporting requirement, he or she may lose the privilege to travel on behalf of the City. The City may actively seek all legal means to require the liquidation of any travel advance.

11.04 REIMBURSEABLE EXPENSES

11.04.01 The employee will be expected to select the mode of transportation which will be most economical to the City considering cost and time consumed.

- A. Air Travel: The cost of public transportation is allowed at the lowest refundable rate plus applicable taxes. Airline ticket copies must be submitted as itemized receipts for this expense.

- B. Private Automobile: An authorized person traveling by private vehicle shall be reimbursed at the rate per mile equal to the current mileage rate as authorized by the IRS based on the shortest route between the points which shall be determined as follows:
 - 1. Mileage within and outside of the State of Texas will be computed from the latest official IRS Guide. Please see the Finance office for this information.
 - 2. When two (2) or more persons travel in a single private vehicle, only one (1) shall receive a transportation reimbursement. This provision shall not preclude each traveler from receiving compensation for other allowable expenses. When two (2) or more persons are required to make the same trip every effort shall be made to utilize one (1) vehicle unless the lowest cost of transportation is air travel.
 - 3. Reimbursement for mileage will not be made for an amount in excess of the cost of the lowest refundable round trip airfare. If an employee is offered public transportation and elects to use their own personal vehicle in lieu of that, the City will calculate the combined cost of compensable travel time and travel expenses for both options and reimburse the employee the least expensive option.
 - 4. Travel within the City must be documented in order to be considered for reimbursement.
 - 5. City employees receiving a car allowance are eligible for mileage reimbursement subject to the following conditions:
 - a. Reimbursable travel is outside a twenty (20) mile radius of the City of Murphy.
 - b. The employee shall be given the option of using a City-owned vehicle or the employee may use their own private vehicle and receive reimbursement based on the latest IRS Guideline for Standard Mileage Rates.

6. Alternate Routes and Modes of Transportation: The traveler may desire to select an alternate route or mode of transportation for convenience in conducting personal affairs. The City will reimburse only for the travel expenses that are necessary in order to conduct City business. All additional costs resulting from the use of an alternate route must be borne by the traveler. Employees may be charged vacation time for any additional time resulting from using an alternate route or mode of transportation. Excess time will be computed as that time which exceeded the time required to fly or drive to and from the destination.

C. Lodging: Travel within forty-five (45) miles from the City will be considered local travel and overnight lodging will not be approved. Employees with extenuating circumstances who are within a forty-five (45) mile radius may be authorized for overnight lodging by the City Manager. If travel is outside of forty-five (45) miles from the City, reimbursement will be provided for lodging not to exceed the conference hotel rate. If the rate exceeds the conference hotel rate, the employee will be financially responsible for the difference. Additionally, per IRS publication 463, if an employee purchases lodging that is more expensive than the GSA per diem rate, the pre-tax lodging amount that is reimbursed to the employee over the per diem rate is considered taxable income. Itemized receipts must be submitted for lodging expenses that furnish a detail breakdown of day-to-day charges.

D. Meals and Incidentals: For travel that includes overnight stays, the City of Murphy will follow IRS guidelines for per diem amounts for meals and incidental expenses based on the destination city. For expenses above the IRS guidelines, receipts must be submitted and will be approved by the City Manager and Finance Director. Itemized receipts are not required for meals reimbursed at the per diem rate. Any reimbursement for expenses for meals and other incidental expenses exceeding the allowable per diem amount must have a receipt and be approved by the City Manager. Additionally, when a complimentary meal is made available by the destination event/conference and an employee chooses to purchase that meal elsewhere for any reason, the per diem reimbursement request for that specific meal purchase must have a receipt and be reviewed for payment by the City Manager.

An employee who is traveling on official City business for a continuous period of a minimum of four (4) hours but less than twenty-four (24) hours, which does not involve an overnight stay, will be reimbursed based on the per diem breakdown. No partial meal allowance will be paid for an official business trip of less than four (4) hours unless the business meeting includes a meal.

E. Registration Fees: charged for registration are reimbursable or eligible for pre-payment. A receipt or proof of the fee shall be provided for payment or reimbursement. If an employee is signing a guest up for entertainment such as tours, luncheons, etc., a check for the reimbursement of these fees must accompany the registration form.

Miscellaneous: Telephone and other communication expenses will be allowed only for necessary business purposes. Parking, car rentals, taxis, tolls, tips for services and other miscellaneous expenses will be allowed for reimbursement if reasonable, ordinary and necessary for business travel. All such charges must be supported by a receipt. Any unusual expenditure must be justified in writing and approved by the City Manager.

11.04.02 Non-exempt staff shall be paid in accordance with the Department of Labor which states that they are only to be paid for travel time that falls during their regular work day hours, regardless of the day of the week. Travel outside of that time is not compensable. Non-working conference lunches must be documented as a lunch break on timesheets for all non-exempt employees.

11.04.03 Travel pay is part of the Fair Labor Standards Act “hours worked” which only applies to non-exempt employees. Therefore, employees who are exempt under the FLSA receive their standard salary and are not allowed to flex work hours to balance travel time without prior written consent from the City Manager. The written documentation of approval from the City Manager shall be submitted to the Finance department for payroll record keeping purposes.

11.04.04 Travel reimbursement outside the state of Texas is as applicable to State law.

11.05 MAJOR CREDIT CARDS

11.05.01 Any employee who holds a city issued credit card may use it to purchase plane tickets and to cover hotel bills. The City of Murphy will follow IRS guidelines for per diem amounts for meals and incidental expenses based on the destination city. The traveler shall request an Advance Payment Request to be used as a per diem to pay for meals. This may not eliminate the need for a cash advance but will reduce the amount of cash advance needed for travel. The user must submit itemized receipts coded to the appropriate account number within ten (10) business days of travel to reconcile the monthly statement. These cards are strictly for official City business and must not be used to purchase personal items.

11.06 UNAPPROVED EXPENSES

11.06.01 The following expenses will not be approved for reimbursement:

- A. Alcoholic beverages will not be reimbursed under any circumstance.
- B. The expense of any City employee not specifically traveling on City business will not be reimbursed.

- C. When business trips or conferences are not attended due to the decision of the employee, related fees fares paid by the City for individuals shall be reimbursed to the City.
- D. Charges related to changes of airline tickets and hotel reservations will be paid by the individual unless the change is required due to unforeseeable and urgent business purposes. The City Manager must approve all changes.

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ADDENDUM E: CREDIT CARD PROGRAM

12.01 PURPOSE AND PROCEDURES

12.01.01 The City of Murphy entered into an agreement with Wells Fargo Bank to provide designated City employees with credit cards for purchases involving approved City expenditures. Credit cards are not intended to replace any existing process or procedures or circumvent chain of command for approval thresholds. The credit card program is intended to reduce paperwork, streamline payment processing, consolidate vendor payments and facilitate emergency field operations. Existing procedures for purchase requisitions, petty cash reimbursement and payment authorizations are still in effect.

12.01.02 City issued credit cards could typically be used for the following types of expenditures:

- A. Office & Meeting Supplies;
- B. Subscriptions & Publications;
- C. Computer Software;
- D. Emergency Repair and Materials;
- E. Travel Reservations & Accommodations;
- F. Emergency Management Operations.

12.01.03 A city issued credit card **must not** be used for personal expenditures. An oversight error is certainly understandable; however, improper use of the card may result in a Corporate Security investigation which may lead to disciplinary action, up to and including prosecution and termination of employment.

12.01.04 Whenever the city issued credit card is used, **original receipts or a legible copy** must be retained and returned to department representatives within five (5) business days for reconciliation purposes. If original receipts are not returned promptly, the credit card could be cancelled.

12.01.05 All credit card receipts must be listed and coded on the credit card log as provided by Finance. The log must be signed and date by the authorized approver. The log must be completed and returned to Finance within five (5) days of receipt of the credit card statement. If the log with receipts is not turned in to Finance when due, the user may lose his or her credit card privileges. Department Directors are responsible for credit card expenditures by employees within their department.

12.01.06 Any changes to the single transaction and/or monthly limit of an existing cardholder or other special handling changes must be approved by the Department Director. Once approved, those requests may be submitted via e-mail to the Finance Director.

City of Murphy Credit Card Agreement

AGREEMENT TO ACCEPT CITY OF MURPHY, TEXAS CORPORATE CREDIT CARD

The CITY OF MURPHY, TEXAS is pleased to offer you a corporate credit card. It represents the CITY OF MURPHY, TEXAS's trust in you and your empowerment as a responsible agent to safeguard CITY OF MURPHY, TEXAS assets.

I, _____ hereby acknowledge receipt of The CITY OF MURPHY, TEXAS Corporate Credit Card Program Policies and Procedures document and confirm that I have read and understand its terms. As a Cardholder, I agree to comply with said document and understand that The CITY OF MURPHY, TEXAS is liable to MasterCard for all The CITY OF MURPHY, TEXAS approved purchases.

I agree to use the Corporate Credit Card for CITY OF MURPHY, TEXAS approved purchases only and agree not to use the card for personal purchases. I understand that The CITY OF MURPHY, TEXAS will audit the use of the card and report any discrepancies. I further understand that improper use of the card may result in a Corporate Security investigation which may lead to disciplinary action, up to and including prosecution and termination of employment.

In the event that the Corporate Credit Card is not used as herein stated, I hereby authorize The CITY OF MURPHY, TEXAS to release my last known address and any information relating to my use of the card to Cardmember Services, Wells Fargo Bank.

I understand that The CITY OF MURPHY, TEXAS may terminate my right to use the card at any time for any reason. I also agree to return the card to The CITY OF MURPHY, TEXAS immediately upon request or upon termination of employment.

CARDHOLDER:

Signature: _____

Printed Name: _____

Date: _____

Monthly Credit Limit: _____

CITY MANAGER/FINANCE DIRECTOR:

I acknowledge that the above Cardholder has been issued a CITY OF MURPHY, TEXAS corporate credit card.

Card Number: _____

Signature: _____

Date: _____

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ADDENDUM F: ELECTRONIC COMMUNICATIONS POLICY

13.01 PURPOSE

13.01.01 The purpose of this policy is to provide users with an understanding of the acceptable conduct that shall be followed when using technology provided by the City of Murphy.

13.02 DEFINITIONS

13.02.01 Definitions for purposes of this addendum are as follows:

- A. Information Technology Staff: Any employee of the City of Murphy's Information Technology Department.
- B. Information Technology: Refers to all city owned desktop and laptop computers, mobile computers, servers, and other electronic devices (including, but not limited to, printers, scanners, digital storage devices, smart phones, cellular telephones, digital cameras, and personal digital assistants) that are attached to and using City of Murphy resources, including its networks, and the applications they support; such as software, electronic mail, and access to the Internet.
- C. User: Any individual who has been issued a domain user name and password which may include, but not limited to, a City of Murphy employee, vendor or volunteer.
- D. Non-user: Any individual who is not classified in Section 3.03 – User. For example: friends and/or family members of a user.
- E. Electronic Mail Communication: Refers to all electronic communication (includes e-mail, instant messaging, and other general electronic communication that is sent, received, downloaded, or stored when using the City of Murphy Information Technology System, regardless of method of entry or retrieval. Access to personal Internet e-mail systems, such as accounts with Yahoo, Hotmail, etc., are also subject to provisions stated in this policy.
- F. Virtual Private Network (VPN): A virtual private network (VPN) is a network that uses a public telecommunication infrastructure, such as the Internet, to provide authorized users access to Information Technology from remote locations.

13.03 ELECTRONIC MAIL COMMUNICATION

13.03.01 Use of electronic mail communication is permitted for city business-related purposes only. Users must remember that e-mail messages are not a form of private communication. All messages that are created, received, and/or stored using Information Technology are considered the property of the City of Murphy and are subject to the Texas Public Information Act (formerly the Texas Open Records Act), the City of Murphy Record Retention Policy, and must be in compliance with the Health Insurance Portability and Accountability Act (HIPAA). All e-mails should be maintained according to the city's record retention policy and follow all set record retention series as managed by the City Secretary's office.

13.03.02 Prohibited conduct or inappropriate use of electronic mail communication may include, but is not limited to:

- A. Engaging in illegal, fraudulent, or malicious activity;
- B. Creating, storing, maintaining, or sending jokes, racism, political views, personal opinions, chain letters, or sexually-oriented material. Messages must not include any offensive, abusive, harassing, threatening, or obscene material;
- C. Using electronic mail communication for any commercial promotional purpose, including personal messages offering to buy or sell goods or services;
- D. Subscribing to non-city business-related mass communication subscriptions, personal mailing list servers, discussion threads, and newsgroups;
- E. Utilizing communication resources for charitable endeavors not specifically sanctioned by the city; and
- F. Conducting political campaigns or other related activity.

13.03.03 E-mail signatures shall not suggest or contain any personal views, statements, quotes, or images. E-mail signatures are designed to identify the staff member and provide city contact information. E-mail signatures may contain information related to city business or events including images, mission statements, or advertisement for special city sponsored events.

13.03.04 The city maintains an "All Employee" e-mail distribution list that allows for staff to send an e-mail to every user's mailbox. The "All Employee" e-mail distribution list should only be utilized for official city business and with the approval of a department Director. Information the Information Technology Department will manage this list, through email security settings, to only allow certain users to send email to the "All Employee" email list as directed by the City Manager.

13.03.05 Recognizing that some information is intended for specific individuals and may not be appropriate for general distribution, users should exercise caution when forwarding messages. City of Murphy sensitive information must not be forwarded to any party outside the city e-mail distribution list without prior approval of a Supervisor.

13.03.06 Each user's mailbox has a storage capacity of two gigabytes. When a mailbox reaches this storage capacity, a message will be sent to the user instructing them to contact the Information Technology Department for assistance with message archiving procedures. All deleted e-mail messages are stored online for a period of thirty (30) days and all deleted messages older than thirty (30) days are automatically purged from online storage.

13.03.07 When an employee ceases employment with the City of Murphy, regardless of reason, the Human Resources Department will notify IT. Upon the last day of employment, each user's network account and mailbox will be disabled for a period of one hundred and twenty (120) days. After one hundred and twenty (120) days, the user's mailbox will be archived to the city's standard, portable storage media and deleted from online storage.

13.04 INTERNET USAGE

13.4.01 The City of Murphy internet use is intended primarily for city business-related purposes; however, limited incidental personal Internet use, during non-work periods, may be allowed if approved by the user's department Director and if it does not adversely affect the daily duties and responsibilities of the organization.

13.04.02 Streaming audio or video from the Internet for non-city business-related activities should be used in limited capacity. This activity includes, but is not limited to, listening to online radio stations and watching music videos and movie clips. Unwarranted Internet usage can cause the city's network system to become congested resulting in interruption of Internet access for users who may be conducting online city business.

13.04.03 If a user posts information to a city business-related newsgroup or to a blog type information sharing application, such as a Federal, state, county, or city association or affiliation, a disclaimer must be included that specifies the information posted is not the responsibility or of the opinion of the City of Murphy.

13.04.04 The terms and conditions of this policy shall also apply to users accessing the Internet when using any device classified as Information Technology.

13.05 EMPLOYEE OWNED EQUIPMENT

13.05.01 The City of Murphy prohibits the use of employee-owned equipment being directly attached to Information Technology equipment. Examples of employee-owned equipment include, but are not limited to, the following:

- A. Personal digital assistants (PDA), portable hard drives, laptops, desktops, digital cameras, wireless access points, video game systems, and/or MP3 players. Exceptions to this Section are employee owned equipment which employee receives a reimbursement; such are mobile phone and mobile data devices utilized for business purposes. Personal USB drives used for file storage are prohibited; however, users may check out portable storage devices from the Information Technology Department when needed. This Section does not pertain to employees accessing Information Technology equipment, through the Internet, via secure access. Examples include, but are not limited to, secure Outlook Web Access e-mail and secure access to the city's website content management system.

13.06 NON-USER

13.06.01 Non-users, as defined in Section 3.04 are strictly prohibited from using any device classified as Information Technology.

13.07 FILE STORAGE

13.07.01 Users should refrain from storing personal files, such as documents, photographs, graphics, music, etc., on any device classified as Information Technology.

13.07.02 The Information Technology Department performs nightly tape backups of all network system files and documents; therefore, all city business-related documents must be stored on network drives. Files and documents stored on a user's desktop or local drive will not be backed up.

13.08 REMOTE ACCESS (VPN)

13.08.01 The policies and procedures contained herein apply to authorized users of the City of Murphy's Virtual Private Network (VPN) Service. All other policies covering the use of Information Technology by authorized users (e.g.; the City of Murphy's Computer Use Policy) are still in effect when resources are accessed from remote locations as well as all regulations governing the protection of confidentiality and integrity of city information, such as the Texas Public Information Act, the City of Murphy Record Retention Policy, and the Health Insurance Portability and Accountability Act (HIPAA). Any remote linkage through the VPN Service is considered an extension of the city's network systems, and is subject to all security and appropriate use policies.

13.08.02 Users that require access to the city's network system from a remote location will be provided a unique VPN user name and password. All requests for remote access must be submitted to the Information Technology Manager for approval and only users with city issued laptops may apply. While accessing the city's network systems from a remote location all terms and conditions contained within this policy shall apply.

13.08.03 The Information Technology Department recognizes the need to provide secure remote access to its network systems to authorized vendors, and their associated business partners, with which specific contractual relationships have been established. Normally, such vendors need access only to a specific city network system(s) as required by the contractual relationship. Vendors must submit a completed VPN Authorization Form to the Information Technology Manager explaining the intended purpose for remote access, approximate usage and duration, as well as the full names of all vendor employees that will be accessing the city's network systems. At no time should any vendor employee provide their VPN user name and/or password to anyone, not even family members. Vendors must notify the Information Technology Manager immediately upon termination of an employee who has been provided VPN privileges.

13.08.04 The Information Technology Department utilizes a variety of desktop sharing applications that provide remote access to a user's computer when assisting with reported issues. The Information Technology Department will attempt to contact the user before establishing a remote connection. If the user is unavailable, IT reserves the right to establish a remote connection to the user's computer in an attempt to resolve reported issues.

13.09 PASSWORD REQUIREMENTS

13.09.01 All user passwords must be constructed, implemented, and maintained according to the following standards and procedures governing password management:

- A. Passwords shall be a minimum length of eight (8) characters;
- B. Passwords must include numeric characters or non-alphabetic characters (i.e., !, \$, #);
- C. Passwords and the usernames shall not be the same;
- D. Passwords shall be changed within a maximum of every ninety (90) days;
- E. All systems shall prevent password reuse of the last ten (10) passwords.

13.10 MONITORING, FILTERING AND REPORTING RIGHTS

13.10.01 Internet usage and e-mail communications are monitored daily to ensure compliance with this policy and any applicable local, state, and Federal laws or regulations related to the use and security of city information.

13.10.02 The Information Technology Department has the right to monitor all activity conducted while using Information Technology. IT may monitor Internet and desktop application usage to diagnose and repair network performance issues and ensure user compliance to this policy.

13.10.03 The Information Technology Department has the ability to provide reports on a user's computer activity while using Information Technology. IT collects detailed information on all desktop application and Internet usage and has the ability to provide reports on such usage by user name, computer, or department.

13.10.04 All requests for desktop application, email, or Internet usage reports will be submitted to the City Manager's office upon request of the Department Director.

13.10.05 The Information Technology Department has the right to filter and/or block access to specific websites or categories of websites to enforce Internet usage rules in an effort to reduce bandwidth usage and improve the city's overall network system performance.

13.11 DISCIPLINARY ACTION

13.11.01 Any user who fails to comply or adhere to the City of Murphy Electronic Communications Policy may be subject to disciplinary action, as defined within the City of Murphy Employee Handbook, up to and including termination.

13.12 PUBLIC DISCLORE/ELECTRONIC RECORDS

13.12.01 All requests for release of any data in electronic form, including hard-copy printout, shall be handled in conformance with Federal, state, and local open records laws, policies, and procedures.

13.12.02 All requests for information, and the corresponding release of information, must be processed through the Office of the City Secretary.

ADDENDUM G: SOCIAL MEDIA POLICY

14.01 PURPOSE

14.01.01 To address the changing way residents communicate and obtain information relating to the missions, programs, and goals of the City online, the City of Murphy may consider participating in social media formats to reach a broader audience where appropriate and when approved by the City Manager.

14.01.02 The City Manager has an overriding interest and expectation in establishing the official message of the City. Accordingly, this policy establishes guidelines for the use of social media.

14.01.03 Recently, many governmental entities at the Federal, State, and Local levels have begun to explore the use of social media sites as they increase in their popularity among the general public. Such sites include Facebook, YouTube, Twitter, and Flickr.

14.01.04 Recognizing that government use of social media is becoming more mainstream and even desired by the public, the City established a strategic management project in FY10 to evaluate the policy needs before establishing social media as an official additional communication tool. Accordingly, this policy outlines the appropriate uses of social media by the City and the approval processes for such use.

14.02 DEFINITIONS

14.02.01 Definitions for purposes of this addendum are as follows:

- A. **Blog:** A contraction of the term “weblog;” a type of website with regular entries displayed in reverse-chronological order and featuring commentary on recent events and other materials, such as photographs or video.
- B. **Facebook:** A social networking site where users can develop a personal profile, add friends, communicate with peers by private message or public postings, and notify their followers of what they are currently doing via a “status update.” Additionally, users may follow entities and organizations in order to receive notifications when new information is available.
- C. **Flickr:** An image and video sharing website where users upload personal photographs and videos to albums which may be shared with the public or restricted to specific individuals as determined by the user.
- D. **Microblogging:** A form of blogging that allows users to make brief updates or publish multimedia such as photos or videos to the public or to specific

individuals as determined by the user; entries typically consist of a single sentence, fragment, photograph, or video.

- E. Social Media: A new set of Internet tools enabling users to participate in community experiences online and to connect with people of common interests to learn, play, work, organize, and socialize; networks may be open to the public or restricted to members as determined by the user.
- F. Twitter: A social media and microblogging service enabling users to send and read short messages of 140 characters or less known as “tweets;” such messages are then displayed on the author’s profile page and delivered to the author’s subscribers who are known as “followers.”
- G. YouTube: A video sharing website where users upload and share videos.

14.03 REGULATIONS

14.03.01 The following standards shall be followed in regards to the City of Murphy social media presence:

- A. All official City of Murphy presences on social media sites or services are considered an extension of the City’s information and communications networks.
- B. All City use of social media must be approved by the City Manager and be in compliance with this policy.
- C. It is the responsibility of the City Manager or his/her designee to act as the City’s official spokesperson, including acting as the City’s official web presence via social media.
- D. The City will maintain one official page per each approved social media outlet, which is to be created, maintained and monitored by the City Manager or his/her designee, all of which are to be regularly updated.
- E. Potential uses for social media include, but are not limited to:
 - 1. Sharing published news releases from the City Manager’s Office, Police, and Fire Departments;
 - 2. Publicizing Parks & Recreation programs sponsored by the City of Murphy;
 - 3. Publicizing new services, holiday closings or other information normally only found on the City’s primary website; and

4. Issuing emergency alerts, road closures, or weather alerts affecting large numbers of citizens.
- F. The City Manager, Department Director, and Manager of Information Technology will review and approve requests to use social media sites as deemed appropriate.
- G. Use of social media must comply with applicable Federal, state, and city ordinances, regulations, and policies, as well as proper business etiquette. This includes adherence to established laws and policies regarding copyright, records retention, release of public information, the First Amendment, privacy laws and information security policies established by the City of Murphy.
- H. Wherever possible, links to more information should direct users back to the City's official website for more information, forms, documents or online services necessary to conduct business with the City of Murphy.
- I. Employees using social media for business purposes or representing the City via the City's social media outlets must conduct themselves at all times as representatives of the City of Murphy.
- J. The City Manager or his/her designee will distribute all social media content and ensure each of the approved uses and sites adheres to the social media policy for appropriate use, message and branding consistent with the goals of the City of Murphy.
- K. Violation of these standards may result in the removal of pages from social media outlets. The City Manager or his/her designee retains the authority to remove information.
- L. The City of Murphy reserves the right to remove any messages or postings, including those that are obscene and / or in violation of the copyright, trademark right, or other intellectual property right of any third party.

14.04 PROCEDURES

14.04.01 The following procedures shall be followed in regards to the City of Murphy social media presence:

- A. Departments requesting to distribute information on the City's official social media pages via the City Manager's Office must fill out the attached "Social Media Business Case & Request" form detailing why it is necessary, the proposed social media solution, the time and resource requirements for such use, and what will deem its use successful.

- B. The Information Technology Department will review the request and make a recommendation to the City Manager if it is deemed appropriate and has sufficient capacity to create, maintain, and monitor.
- C. The City Manager will have final approval of all social media requests.
- D. If approved, the City Manager's designee will be responsible for creating, maintaining and monitoring all social media platforms (one per each social media outlet as approved) and will act as the official spokesperson to ensure a unified City message.
- E. Communications will obtain department content with approval from the appropriate Department Director.
- F. The Information Technology Department will maintain a list of all approved uses and will provide a link to all social media pages on the official www.murphytx.org website.
- G. Only City e-mail addresses or e-mails authorized in advance by the City Manager's Office and Information Technology Department will be posted on the site or used to create the web site accounts. Use of generic email addresses, for example, webmaster@murphytx.org, is appropriate to create social networking accounts.
- H. To the extent that design parameters of the host site allows, City of Murphy pages will conform to the following:
 - 1. Be identified as a City of Murphy official site;
 - 2. Contain appropriate staff contact information;
 - 3. Contain the City logo;
 - 4. Have a link to the appropriate page of the City's website; and
 - 5. Specify that all content, comments, and replies posted will be subject to Texas public information laws.
- I. City-generated content shall:
 - 1. Respect copyright and fair use laws;
 - 2. Contain the following legal disclaimer:
 - a. *"The City of Murphy is not responsible for the content nor endorses any site which has a link from this page. All content, comments and*

replies posted are subject to Texas public information laws; the City of Murphy reserves the right to remove any messages or postings.”

3. Not use vulgar, offensive, threatening, or harassing language;
4. Not engage in political or religious advocacy or commentary;
5. Not support or oppose any ballot issue or candidate for office; and
6. Not promote or advertise any businesses or commercial enterprises, unless they are providing support to City services.