

**MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING (COUNCIL CHAMBERS)
FEBRUARY 16, 2016 AT 6:00 PM
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094**



Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

Ben St. Clair
Councilmember

Betty Spraggins
Councilmember

Sarah Fincanon
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

Susie Quinn
City Secretary

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on February 16, 2016 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. PRESENTATIONS

- A. Proclamation declaring the week of February 15th through February 19th as Wylie ISD Education Foundation Week.
- B. Presentation of financial report and investment report as of January 31, 2015.

6. APPROVAL OF COUNCIL MINUTES

- A. Consider and/or act on the February 2, 2016 regular meeting minutes.

7. INDIVIDUAL CONSIDERATION

- A. Discuss and/or consider implementing regulations relating to the City of Murphy website and Social Media sites.
- B. Consider and/or act upon the proposed revisions to the Murphy Personnel Policies and Procedures Handbook.
- C. Consider and/or act upon the Murphy Matters – Outstanding Citizen Award program.
- D. Consider and/or act to authorize the City Manager to execute the Contract for Election Services for the May 7, 2016 General Election between the City of Murphy and the Elections Administrator of Collin County, Texas.

- E. Consider and/or act upon the Code of Ordinances, Chapter 1 General Provisions; Article 1.02 City Council; Division 2 Governance Policy and Rules of Procedure.
- F. Discuss the Draft FY 2015 Comprehensive Financial Report.

8. CITY MANAGER/STAFF REPORTS

- A. Timbers Nature Preserve
- B. Betsy Lane Road Widening Project
- C. South Maxwell Creek Parallel Trunk Sewer Line
- D. North Murphy Road

9. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council will now recess into Executive Session (closed meeting) to discuss the following:

- A. §551.071 Consultation with Attorney on a matter when the governmental body seeks the advice of its attorney about: (A) pending litigation; or (B) a settlement offer (re: Hermes vs City of Murphy).
- B. §551.087 Deliberation regarding Economic Development Negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

10. RECONVENE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

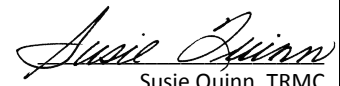
- A. §551.071 Consultation with Attorney on a matter when the governmental body sees the advice of its attorney about: (A) pending litigation; or (B) a settlement offer (re: Hermes vs City of Murphy).
- B. §551.087 Deliberation regarding Economic Development Negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting

economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

C. Take Action on any Executive Session Items.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on February 12 by 5:30 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.


Susie Quinn, TRMC
City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 972.468.4011 or squinn@murphytx.org.

Notice of Possible Quorum: There may be a quorum of the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Ethics Review Commission, the Murphy Community Development Corporation, the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission members who may be present at the meeting, but they will not deliberate on any city or board business.

CITY COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 2, 2016 AT 6:00 PM

1. CALL TO ORDER

Mayor Eric Barna called the meeting to order at 6:00 PM.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Eric Barna gave the invocation and Mayor Barna led the Pledge of Allegiance.

3. ROLL CALL & CERTIFICATION OF A QUORUM

City Secretary Susie Quinn certified a quorum with the following Councilmembers present:

Mayor Eric Barna
Mayor Pro Tem Scott Bradley
Deputy Mayor Pro Tem Owais Siddiqui
Councilmember Ben St. Clair
Councilmember Betty Nichols Spraggins
Councilmember Sarah Fincanon
Councilmember Rob Thomas

4. PUBLIC COMMENTS

Ray Shahan, resident presented his thoughts on PD 10-5-390 and the concept plan for this PD.

Evelyn Gorman, owner of GNS electric, explained her frustrations regarding payments not being received for the work she has done with 3I Construction on the Safe Routes to School project. Her request is for the City to investigate the payments not being paid to the sub-contractors for this project.

Attorney Andy Messer confirmed the City is working on investigating this and other claims.

Gustavo Calvo, owner of Calvo Construction Corporation, explained he has not been paid by 3I Construction. His company worked on sidewalks, provided dump trucks, and labor. He has placed calls to 3I and been told each time to call back next week. He is requesting the city to look into this.

Attorney Andy Messer explained the City has paid all outstanding payments to 3I and we will attempt to follow up with 3I as to why payments have not been paid to the sub-contractors.

5. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and/or act on the January 19, 2016 regular meeting minutes.

COUNCIL ACTION (5.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the consent agenda as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

6. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on the application of LCD Capital Investments, LLC., to re-plat Lot 4R, Block B – Murphy Village Addition (The Learning Experience). This property is located at the SWC of Village Drive and Brand Road.

Director of Economic and Community Development, Kristen Roberts explained this item has gone before the Planning and Zoning Commission and passed with a unanimous vote. It meets all submittal and approval requirements as a final plat. Staff is recommending approval on this item.

Council asked for clarification why this lot was not originally platted individually. Roberts clarified Lot 4 was plotted as one lot but has been sold in segments which now require the replat approval.

Public Hearing opened: 6:13 PM

Public Hearing closed: 6:14 PM

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the replat of Lot 4R Block B of Murphy Village Addition as presented. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Hold a public hearing and consider and/or act on the application of Clark Knippers / PBK Murphy Propco LLC, to re-plat Lot 1R, Block 1 – McCraw Corner (PDQ). This property is located 104 E. FM 544 at the southeast corner of FM 544 and South Murphy Road.

Director of Economic and Community Development, Kristen Roberts explained this replat is a replat of a final plat and meets all requirements. The Planning and Zoning Commission approved this unanimously.

Public Hearing opened: 6:15 PM

Public Hearing closed: 6:15 PM

COUNCIL ACTION (6.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the replat of lot 1R Block 1 McCraw Corner (PDQ). Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- C. Hold a public hearing and consider and/or act on the application of Wal-Mart Real Estate Business Trust requesting Ordinance No. 16-02-1007 to amend PD (Planned Development) District No. 12-02-905 to allow for a Professional Service (primarily limited to massages and facials and excluding nail services) as a permitted use on property located on the eastern outparcel of Walmart on N. Murphy Road.

Director of Economic and Community Development, Kristen Roberts explained to Council the eastern site parcel, where there is a proposed site plan in the development review queue, but all are wanting an amendment to allow for specific spa services and not to include nail services. Per the Planned Development (PD) this is not an allowed use. At the January 25, 2016 Planning and Zoning meeting, a detailed discussion to consider a change in the PD to allow for massages and facials but exclude nail services, and staff's recommendation is to approve with the specific language to allow massages, facials and exclude nail services.

Council asked for clarification regarding the location, style of buildings and the plan for potential tenants for these buildings such as food establishments. Roberts explained the style and construction for the omni buildings will complement the Walmart building. There was discussion regarding building/masonry materials. Council asked for clarification from the City attorney if the masonry requirements can be expanded, and Messer confirmed that this is the proper time for those changes. The applicant spoke to these items, and requested council at this time address the permitted use only and to address the masonry requirements at a later date. Mitch with the Retail Connection also spoke as an applicant; he explained he works with the tenants getting retailers and restaurants lined up for leases. He also mentioned Hand and Stone is a retail client that would be a good anchor to take 3,300 square feet of one of the proposed 7,000 square foot omni buildings. City Manager James Fisher requested for changes to the masonry limitations and percentages to be done at this time, as to avoid issues down the road with clients planning on other masonry restrictions.

Public Hearing opened: 6:40 PM

Public Hearing closed: 6:40 PM

City Manager James Fisher explained he would like clarification in the motion the exclusion of nail service areas for the east parcels.

COUNCIL ACTION (6.C.):

APPROVED

Mayor Pro Tem Bradley moved to approve Ordinance No. 16-02-1007 to amend PD (Planned Development) District No. 12-02-905 to allow for a Professional Service (primarily limited to massages and facials and excluding nail services) as a permitted use on property located on the eastern outparcel of Walmart on N. Murphy Road. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- D. Consider and/or act upon Resolution Number 16-R-826 authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing James Fisher, City Manager or Linda Truitt, Finance Director or Jay Doegey, Executive Director of Texas Coalition for Affordable Power (TCAP) to execute an electric supply agreement for deliveries of electricity effective

January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the city's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP.

Item 6.D. was skipped until the end of the meeting following Executive Session.

City Manager James Fisher requested in the motion to clarify our selected option number 1 (one).

COUNCIL ACTION (6.D):

APPROVED

Mayor Pro Tem Bradley moved to approve Resolution Number 16-R-826 authorizing the Texas Coalition for Affordable Power, Inc. (TCAP) to negotiate an electric supply agreement for five years for deliveries of electricity effective January 1, 2018; authorizing TCAP to act as an agent on behalf of the City to enter into a contract for electricity; authorizing James Fisher, City Manager or Linda Truitt, Finance Director or Jay Doegey, Executive Director of Texas Coalition for Affordable Power (TCAP) to execute an electric supply agreement for deliveries of electricity effective January 1, 2018 and committing to budget for energy purchases in 2018 through 2022 and to honor the city's commitments to purchase power for its electrical needs in 2018 through 2022 through TCAP. The city selects option 1 (one) as stated in the Resolution. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- E. Consider and/or act upon approval of Ordinance Number 16-02-1008 ordering a General Election to be held on May 7, 2016, for the purpose of electing Council Members for Place 1, Place 2, Place 4, and Place 6 to a three (3) year term of office.

No discussion.

COUNCIL ACTION (6.E.):

APPROVED

Mayor Pro Tem Bradley moved to approve Ordinance Number 16-02-1008 ordering a General Election to be held on May 7, 2016, for the purpose of electing Council Members for Place 1, Place 2, Place 4, and Place 6 to a three (3) year term of office. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- F. Discussion on the City's Water Utility System.

City Manager James Fisher explained we did an internal audit and our meters were functioning correctly. There are multiple ways we can address this, another internal water meter audit, hire an external company to do a meter audit, and to wait and see what the spring/summer looks like as far as water consumption.

Council asked if the City has a warranty on the meters, Fisher confirmed that the city does and the company works well with staff when questions and/or concerns arise. There was lengthy discussion by all of Council regarding the water usage increased, how other cities handle water meter audits, and what Council may want to do in the future with a potential audit. Council and staff reached consensus to bring this back before Council at the March 1st meeting to discuss

and take action. Staff explained the costs involved for a random water utility system as well as addressing the increased water uses this past summer.

COUNCIL DISCUSSION ONLY (6.F.):

NO ACTION

- G. Consider and/or act upon the recommendations from the Council Interview Panel regarding appointing board members to the Murphy Municipal Development District.

Item 6.G. was skipped until the end of the meeting following Executive Session.

COUNCIL ACTION (6.G.):

APPROVED

Mayor Pro Tem Bradley moved to appoint John Daugherty to Place 1, Alex Acuna to Place 3 and Michael Loftis to Place 5. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. CITY MANAGER/STAFF REPORTS

A. Timbers Nature Preserve

This project is moving forward, and prior to the final walkthrough Mayor Pro Tem Bradley will be notified so he can attend. All of Council is welcome to participate.

B. Betsy Lane Road Widening Project

The grass needs to be planted in various locations of the project, but since it is still winter, the grass installation may have to wait until March. Also, the speed limit signs will be coming before council in the second February meeting or the first meeting in March; currently there are multiple different speed limit signs on Betsy.

C. South Maxwell Creek Parallel Trunk Sewer Line

No updates at this time.

D. North Murphy Road

We continue to work on this road, and there is now a left hand turn, two straight lanes, and a right hand turn lane.

The Third Annual Rainbow Trout Roundup will be held February 20, 2016. People can register now.

The Mayor requested some kind of event for the "Battle of Murphy" where Plano East Senior High and Wylie East High School will play each other now that they are in the same district.

8. EXECUTIVE SESSION

In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council recessed into Executive Session (closed meeting) at 7:21 p.m. to discuss the following:

- A. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Profession Conduct of the State Bar of Texas clearly conflicts with this chapter re: Safe Routes to School issues.

- B. §551.087 Deliberation regarding Economic Development Negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. § 551.074 Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of the Murphy Municipal Development District Members.

9. RECONVENE INTO REGULAR SESSION

The City Council reconvened into Regular Session at 8:37 PM, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Profession Conduct of the State Bar of Texas clearly conflicts with this chapter re: Safe Routes to School issues.
- B. §551.087 Deliberation regarding Economic Development Negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- C. Take Action on any Executive Session Items.

Action was taken following Executive Session on items 6.D. and 6.G.

10. ADJOURNMENT

With no further business, the regular council meeting was adjourned at 8:41 PM.

APPROVED BY:

ATTEST:

Eric Barna, Mayor

Susie Quinn, City Secretary

**City Council Meeting
February 16, 2016**

Issue

Discuss and/or consider implementing regulations relating to the City of Murphy website and Social Media sites.

Staff Resource/Department

James Fisher, City Manager
Wendle Medford, Manager of Information Technology

Background/History

The purpose of proposing this Acceptable Use Policy is to outline the acceptable use of public facing social media sites under the city's purview. These guidelines are being proposed in an effort to protect the City of Murphy from damaging effects of inappropriate uses and to ensure that social media is being utilized in a safe and responsible manner to engage and allow civil discourse.

Action Requested

Motion to adopt the Acceptable Use Policy for community blogs and public facing social media sites affiliated with the city of Murphy.

Attachments

Murphy Social Media Acceptable Use Policy



James Fisher
City Manager
jfisher@murphytx.org
972-468-4007 direct
214-690-8576 mobile

206 North Murphy Road
Murphy, TX 75094
www.murphytx.org

Social Media Acceptable Use Policy

The City of Murphy encourages an open exchange of affirming and dissenting opinions on posted content, and we consider it an important element of the user experience on our website.

We invite you to comment on our content as part of our interactive community, but we ask that you remain civil. As a limited public forum, we require the following standards:

- In an effort to raise the level of discourse on our site, commenters are required to use their real names when posting. If we suspect that your online persona is not real – judging by your "name," your lack of friends, your lack of posts about anything other than our stories, or other factors -- your posts will not be visible.
- Do not resort to personal attacks. You may disagree with the content, but do not attack anyone personally.
- Do not use foul language. And don't try to camouflage profanity with asterisks or other symbols or foreign phrases.
- Do not use hate speech, abusive or obscene comments, racist rants or defamatory statements as they will be deleted.
- Do not use threatening language or make threats of violence.
- Do not post spam or advertising of any kind.
- Do not make comments that violate copyrights or trademarks without permission from the owner of the intellectual property.
- Do not make comments that violate any federal, state, or local law.

Any item determined to have violated the Acceptable Use Policy, will be placed in quarantine. The City Manager and/or his Leadership Team will review the item(s) to decide if the item should be removed from the site.

Users who continue posting comments that violate these guidelines may, at our discretion, be blocked from submitting future comments as well.

Please be aware that your comments, private messages and emails once submitted, are considered public information and shall be maintained by the City as such as required by law.

Any posts by a city council member, city officer, or city employee's views or opinions on social media sites do not constitute the City's official policy, unless already ratified by the city council as a whole. Nor should any comments be construed as any formal action on any matter that may be discussed.

Thank you, and enjoy expressing your opinions.

City Council Meeting

February 16, 2016

Human Resources: City of Murphy Personnel Policies and Procedures Handbook

Issue

Consider and/or act upon the proposed revisions to the Murphy Personnel Policies and Procedures Handbook.

Staff Resource/Department

James Fisher, City Manager

Jana Traxler, Human Resources Manager

Summary of Changes

The Personnel Policies and Procedures Handbook is reviewed on an annual basis, under legal guidance, as an opportunity to make sure it has appropriate provisions in place to continue to allow for effective and efficient employee administration and to make revisions as deemed necessary. We propose this revised handbook become effective March 1, 2016. Employees will be responsible for reviewing the information contained in the revised handbook and a signed record of receipt and understanding will be kept in each employee's personnel file.

When reviewing the attachments, please note that new verbiage is indicated by italicized underlined font. Verbiage that has been eliminated is ~~struck~~. The changes include:

- **1.04 Sexual Harassment and Unlawful Discrimination Policy:** This policy has been fully revised under legal guidance and includes language mandated by House Bill 1151 (84th Texas Legislative Session, 2015) regarding the protection of volunteers and unpaid interns from harassment and discrimination.
- **1.07 Applicability of Personnel Policies:** The Judge of the Municipal Court has been removed from and the City Engineer has been added to the list of categories that are not considered Murphy employees for the purposes of the Personnel Policies and Procedures handbook.
- **2.02 Employment Categories:** The City only has two employment categories, full-time and part-time, and this policy has been clarified to reflect that. Additionally, the definition of part-time employee has been updated, in accordance with the Affordable Care Act, to any employee that works on the average fewer than thirty hours per week. Part-time employees are to stay below the TMRS enrollment threshold of 1,000 hours per year.
- **2.03 Methods of Recruitment and Selection:** This policy has been updated to reflect that any person wishing to be considered for a position must submit an application for each position for which they wish to be considered.
- **2.06 Employment of Relatives (Nepotism):** The definition of personal relationship, for purposes of determining which employees can work in the same department or division, has been clarified.
- **2.17 Probationary Period:** The language in this policy (and throughout the document where probationary periods are referenced) was modified from using the term "introductory period" to using the term "probationary period". The term probationary period is considered an industry standard for this concept.

City Council Meeting**February 16, 2016****Human Resources: Murphy Personnel Policies and Procedures Handbook**

- **2.18 Personnel Files:** This policy has been revised to include a provision that requires employees to update their home address, phone number and emergency contacts annually with the Human Resources Department.
- **2.21 Training and Development/Educational Assistance:** This policy has been revised to clarify that all training is subject to approval by the Department Director and/or the City Manager.
- **2.24 Outside Employment Activities:** This policy has been revised to reflect that a Department Director and/or the City Manager is authorized to approve outside employment.
- **3.02 Wage and Salary Adjustments:** This policy has been clarified to reflect that the City is authorized to provide a wage or salary adjustment to recognize an employee for performance and achievement of objectives.
- **3.04 Certification Pay:** This policy has been revised to clarify an error in the policy. Certification payments are made monthly, not per paycheck.
- **3.05 Interim Status Pay:** Clarifying language was added to this policy to reflect that when a position is vacated, Human Resources and the Department Director will work together to determine if an interim assignment is needed for those duties and who will be given that assignment. Interim status assignments will be paid at 5% above the employee's current rate of pay.
- **3.08 Public Safety Work Period and Schedules:** This policy has been revised to reflect that hours worked for public safety includes meal time because they cannot be fully relieved of their duties.
- **3.09 Expression of Breast Milk:** This policy has been revised per the language mandated by House Bill 786 (84th Texas Legislative Session, 2015) regarding the requirement to provide a space other than a restroom for an employee as needed that is shielded from view and free from intrusion from co-workers of the public.
- **3.11 Time Reporting:** This policy has been revised to reflect that 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. Personal leave forms shall still be submitted and the employees leave bank charged accordingly. Additionally, all Department Directors are responsible for ensuring that the City Manager signs off on and approves any paid administrative leave that is provided to any employee before the employees timesheet is submitted to the Finance department.
- **3.13 On-Call and Call-Backs:** This policy has been updated to reflect that employees who are on-call must have a working cell phone in their possession instead of being required to wear and respond to a beeper.
- **3.15 Check Delivery:** This policy has been revised to reflect that all direct deposit changes must be reported to the Finance Department at least one week prior to the beginning of the pay period of which the employee wishes the change to become effective. Exceptions will be made for extenuating circumstances only.
- **3.16 Payroll Deductions:** This policy has been revised to reflect that Social Security Taxes are deducted from the paycheck of part-time employees. Additionally, clarifying language was added to reflect additional allowable payroll deductions the City will process.

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February 16, 2016

Human Resources: Murphy Personnel Policies and Procedures Handbook

- **4.03 Holidays:** This policy was revised to clarify that part-time employees are not given holiday pay and to clarify that probationary employees are given holiday pay. Additionally, clarifying language was added to reflect that if an employee missed the day preceding or following a holiday, they may be required to provide a doctor's note and after review of the doctor's note, the City reserves the right to determine that the employee still may not be paid for the holiday. Wellness time off was removed as the City no longer provides that benefit.
- **4.07 Sick Leave:**
 - This policy has been updated to reflect that only full-time employees receive sick leave accruals. Employees who are part-time do not receive the benefit;
 - Clarifying language was added that sick leave can be requested in one hour increments for non-exempt employees;
 - Clarifying language was added that sick leave can be used to extend approved bereavement leave;
 - Clarifying language was added that while employees may request to use sick leave instead of approved vacation leave if they become ill on vacation – this benefit is at the supervisor's discretion and the employee may be required to provide sufficient documentation from a licensed medical professional;
 - The shared sick leave donation program was changed from a maximum donation amount of 10% of an employee's available sick leave balance to a maximum of 40 hours per year and clarifying language was added regarding the procedure for how an employee requests to be considered for this benefit.
- **4.08 Bereavement Leave:** This policy has been revised to allow employees to extend their bereavement leave with their own sick leave accruals.
- **4.11 FMLA:** This policy has been fully revised under legal guidance. Additionally, for ease of administration, the FMLA year is being changed from a rolling twelve month period of time to a fixed twelve month period that will match the city's fiscal payroll year.
- **4.13 Workers Compensation Insurance/Injury Leave:** Due to the safety addendum being removed from this document, a safety overview paragraph has been added to this section which includes language about best practices, following safety rules, reporting accidents and making suggestions for improvement. Additionally, language prohibiting an employee who is on light duty from working overtime has been removed due to the impact it has on the salary lookback period for the purposes of calculating an employee's potential workers compensation indemnity payments.
- **5.02 Pension/Retirement Plan:** Language has been added to clarify that that no loss of service will occur as a result of a leave of absence but no benefits credits will occur during that time.
- **5.05 Longevity:** Language has been added to clarify the annual period of calculation for the longevity check and the provision for the City Manager to override an employee's final payment amount at separation has been eliminated.
- **6.03 Drug Free Workplace:** This policy has been revised to reflect that any employee involved in any kind of accident during work hours is required to take a drug test.
- **6.04 Fraternization:** The language in the fraternization policy has been updated to match the Nepotism policy regarding the definition of a personal relationship.

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Human Resources: Murphy Personnel Policies and Procedures Handbook

- **6.11 Use of City Property/Vehicle Policy:** This policy has been revised to reflect that if a City employee who is assigned a City vehicle on a twenty-four hour basis is going to be absent from work for three or more calendar days, the City Manager reserves the right to require the employee to return the vehicle to City property during the absence.
- **6.13 Vehicle and Operator Standards:** This policy has been moved from the Safety Addendum to the body of the handbook. Additionally, language was revised to reflect that any employee who is found to have accrued five or more points towards their ten point allowance will be required to take a defensive driving course as their own expense.
- **6.14 Smoking/Tobacco/Vapor Products:** This policy has been revised to include the prohibition of vapor products under the conditions listed in this policy and was also revised to include work sites on the list of prohibited places to smoke, use tobacco or use vapor products.
- **6.16 Searches:** This policy has been revised to remove pagers from the list of electronic devices the City provides.
- **6.18 Hazardous Weather Conditions:** This policy has been revised to clarify that safety is paramount in hazardous weather conditions policy. All employees are expected to make a reasonable effort to come to work, however, safety is paramount and if they do not feel like they can travel safely they are directed to make alternate arrangements with their Supervisor. Scheduled emergency service personnel are required to be on the job regardless of weather conditions.
- **7.03 Types of Disciplinary Action:** This policy has been fully revised under legal guidance to ensure our disciplinary action policy is fair, easily understood by any employee and can be used consistently across all departments. The policy still provides appeal rights for the level of written reprimand and above.
- **8.08 Calculation of Separation Pay:** This policy has been revised to match what is listed in Section 4.07 for sick leave payout and to reflect that City of Murphy retirement standards will mirror what the current TMRS retirement standards are at the employee's date of retirement.
- **Addendum A – Organization Chart:** The organization chart has been updated to reflect our current structure with the addition of an Assistant City Manager and the Innovation and Technology Department Director having been added to the Leadership Team.
- **Addendum B – Cell Phone Allowance:** This addendum has been revised to reflect that employees who are approved for the mobile communications device allowance will be eligible on an annual basis, with department director/city manager discretion, for the purchase/upgrade/replacement of their existing device.
- **Addendum C – Purchasing Policy:** This policy has been revised to reflect changes to internal purchasing policies including what qualifies for advance payment requests, credit card log procedures and purchase order procedures.
- **Addendum D – Travel Policy:** This addendum has been revised to clarify that employees shall not be reimbursed or provided a per diem allowance for meals that are provided by the destination event/conference.

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Human Resources: Murphy Personnel Policies and Procedures Handbook

- **Addendum E – Credit Card Policy:** This addendum has been revised to include emergency management operations under the acceptable use provision for City issued credit cards and clarifies the internal policies regarding reconciliation procedures.
- **City Charter:** The City Charter has been removed from the employee handbook.
- **Safety Addendum:** This policy has been removed from the employee handbook. TML has provided a current template for a brand new safety addendum that is currently being reviewed by the leadership and management teams and will become a stand-alone safety handbook. Employees will be responsible for reviewing the information contained in the safety handbook and a signed record of receipt and understanding will be kept in each employee's personnel file.
- **Formatting:** The entire document has been standardized for ease of reading and understanding.
- **Table of Contents:** A full table of contents has been added for ease of use.

Board Discussion/Action

Authorize revisions to the Murphy Personnel Policies and Procedures Handbook, as presented.

Attachments

All revised sections and addendums listed in this briefing.

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;
- 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;

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.

~~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.~~

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.
- 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 Department 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.

~~1.04.06 — Procedure for Complaint.~~ ~~AN EMPLOYEE MUST REPORT ANY INCIDENT OF SEXUAL HARASSMENT WITHIN FORTY EIGHT (48) HOURS OF ITS OCCURRENCE. Any employee who believes that he or she has been the subject of unlawful sexual harassment should report the alleged charge immediately in accordance with the following procedure. All information disclosed in the procedure will be held in strictest confidence and will only be disclosed on a need-to-know basis in order to investigate and resolve the matter.~~

~~1.04.07~~ ~~The individual alleging unlawful sexual harassment must report the incident to his or her supervisor, the City Manager, and/or the City Attorney within forty-eight (48) hours of the alleged incident. The individual will be interviewed as to the nature of the allegations. If said accusations are reported to another person, the matter must be immediately directed to the City Attorney who shall immediately notify the City Manager.~~

~~1.04.08 — Complaint Must Be In Writing.~~ ~~The individual alleging unlawful harassment must make his or her complaint in writing, providing sufficient detail to enable the City to properly investigate the complaint. Upon receipt of a complaint, the City Attorney shall immediately notify the Mayor and the City Manager and commence an investigation of the allegations.~~

~~1.04.09 — Respondent's Written Answer.~~ ~~Within forty eight (48) hours after receiving the complaint in writing, the employee accused of engaging in harassing~~

~~conduct should be called to a meeting with the City Attorney and the City Manager and be informed of the nature and seriousness of the allegation. The employee will have the opportunity to respond to the allegation in writing immediately or within forty-eight (48) hours after his or her notice of the complaint.~~

1.04.10 — Possible Suspension During Investigation. ~~The City Attorney and City Manager will meet with the supervisor of the employee accused of engaging in harassing conduct and discuss the seriousness of the allegation. If the circumstances warrant, the employee may be suspended with or without pay, pending a complete investigation. If, at the conclusion of the investigation, the employee is reinstated to his or her position at the City, back pay for the period of the suspension will be paid to the employee if suspended without pay. 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.~~

1.04.11 — Investigation. ~~Immediately upon receipt of a complaint of unlawful harassment, the City Manager and the City Attorney will conduct a thorough investigation to determine if unlawful harassment has occurred or if any policy has been violated. If the City Manager and/or City Attorney are being accused of sexual harassment, the City Council will conduct the investigation. If such investigation confirms the allegation, appropriate disciplinary action up to and including dismissal will be taken. All complaints and actions taken to resolve such complaints will be treated as confidentially as possible without impairing the effectiveness of the investigation. The City Manager and City Attorney may consider any evidence deemed relevant in the investigation and review of the complaint including but not limited to:~~

- ~~1. The nature and seriousness of the complained action;~~
- ~~2. The effectiveness and advisability of counseling;~~
- ~~3. Whether transfer of the complainant and/or accused employee would be appropriate;~~
- ~~4. Any contributing factor by the complainant;~~
- ~~5. Previous substantiated unlawful harassment allegations against the employee alleged to have engaged in the harassing behavior or unsubstantiated false allegations by the complainant.~~

1.04.12 — Records of an Unlawful Harassment Complaint Kept Separate. ~~All records concerning a complaint of unlawful harassment shall be kept in a separate locked file in the Human Resources Department. Access shall be only with the City Manager's approval to parties who have a direct and relevant need to know, unless access is otherwise required by law of the State of Texas.~~

1.04.13 — Anti-retaliation. ~~The City of Murphy prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation.~~

~~1.04.14~~ However, if, after investigating any complaint of harassment or unlawful discrimination, the City of Murphy determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave the false information.

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*, ~~the Judge(s) of the Municipal Court~~, 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.

2.02 EMPLOYMENT CATEGORIES

2.02.01 There are two (2) ~~five (5)~~ categories of employment with the City:

- A. **Regular Full-Time:** A regular full-time employee is appointed to an authorized position that involves, on the average, 32-40 hours or more per week for employees outside of fire personnel. Fire personnel assigned to shifts are considered full-time when scheduled to work 56 hours per week. Regular Full-time employees may be either exempt or non-exempt employees. 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. A non-exempt employee means any employee who does 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: (No Benefits):** A part-time employee is appointed to an authorized position that involves, on the average, less than 30 hours per week not to exceed 1,000 hours per year. A part-time employee who works fewer than 30-20 work hours per week. Non-benefited Part-time employees receive no employment benefits or accrued leave time.
- C. **Regular Part-time** ~~A regular part time employee is appointed to an authorized regular position that involves, on the average, fewer than 32 but more than 20 work hours per week. Regular part-time employees may be either exempt or non-exempt employees.~~
- D. **Temporary Full-time** ~~A temporary full-time employee is an employee hired to work an average of 32 hours or more per week for a period of time which is normally specified in advance and is expected to last fewer than six months. Temporary full-time employees may be either exempt or non-exempt employees.~~
- E. **Temporary Part-time** ~~A temporary part-time employee is an employee hired to work fewer than 32 hours per week for a period of time which is normally specified in advance and is expected to last fewer than six months.~~

2.03 METHODS OF RECRUITMENT AND SELECTION

2.03.01 The City has four methods of recruiting and selecting persons to fill vacancies: (1) promotion from within; (2) lateral transfer from within; (3) competitive external consideration of applicants for employment; and/or (4) 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. ~~within the last six months. The City Manager determines the method(s) of selection to be used in filling each vacancy.~~

2.03.02 Employment with the City of Murphy shall be based on merit, ability and fitness. 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 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. ~~All applications for employment that have not resulted in employment will be retained active for not more than 180 days. Any applicant wishing to be considered for future openings must submit contact the Human Resources Department, and the application and/or resume shall be considered for the new opening. After 180 days, a new application and/or resume for each position of which they wish to be considered and/or resume must be submitted in order to be considered for any new openings. 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.

2.06 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 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.
~~Employees who are married or cohabitating will not be allowed to work within the same department or division.~~

2.17 INTRODUCTORY 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 ~~introductory~~ 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 ~~introductory~~ 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 ~~introductory~~ period of six (6) months, except for certified Police and Fire personnel, for whom the probationary ~~introductory~~ 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 ~~introductory~~ 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 ~~introductory~~ period, he or she may, at the discretion of the Supervisor, continue City employment as an at-will employee. The probationary ~~introductory~~ 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 their 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 ~~their Department Heads~~ 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. ~~The Department Head will notify the Human Resources Department.~~

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, 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.

2.24 OUTSIDE EMPLOYMENT ACTIVITIES

2.24.01 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.

2.24.02 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.

2.24.03 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.

2.24.04 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.

2.24.05 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.

2.24.06 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.

2.24.07 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.

3.02 WAGE AND SALARY ADJUSTMENTS

3.02.01 During budget deliberations for the coming fiscal year, the City Council may authorize a wage and salary adjustment to recognize an employee for performance and achievement of objectives. The employee's annual performance appraisal serves as the basis for a wage and salary adjustment. In addition to the increases that may be awarded following an annual performance appraisal, the City may award increases based on market adjustments should a position require such an increase.

3.02.02 In making a determination regarding a salary increase, Supervisors and the Human Resources Department will consider the employee's performance, including but not limited to any increase in responsibilities of the employee and achievement of objectives since the last performance appraisal.

3.02.03 Once Supervisors receive final information, they will meet with each employee informing him or her of the salary decision. An employee who disagrees with a salary decision may appeal by submitting a written request for review by the City Manager. Employees who are approved for a salary increase will start receiving the increase at the beginning of the next pay period.

3.02.04 Department Directors, with approval of the City Manager, may reduce the salary of an employee at any time for non-discriminatory reasons. No reduction in salary shall deprive an employee of consideration for salary increases at a later date.

3.04 CERTIFICATION PAY

3.04.01 Eligible full-time employees may receive additional compensation per month paycheck for each qualifying certificate or license obtained above the "basic level" within their respective professions or occupations. 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 or licenses must be obtained from appropriate State certification or licensing agencies and/or recognized professional associations performing a similar certification or licensing function for personnel in the applicable profession and must be maintained in an active status. Certificates or licenses also must be directly related to the employee's present job duties and functions. ~~A current list of authorized certifications by position shall be maintained by the Human Resources Department.~~ Certification pay is subject to annual funding and adoption of such funding within each fiscal budget.

3.05 INTERIM STATUS PAY

3.05.01 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. Any employee who is temporarily assigned to serve in a higher level position, ~~typically for a vacated position,~~ shall be compensated for the additional duties and responsibilities of the higher level position at an increase of 5% ~~or minimum of the pay grade, whichever is greater,~~ unless otherwise approved by the City Manager. The employee must be qualified to perform and must actually perform the full range of duties of the higher level position required during the interim assignment in order to be eligible for the additional compensation.

3.05.02 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.

3.08 PUBLIC SAFETY WORK PERIOD AND SCHEDULES

3.08.01 Employees of the City's police department work in shifts. The City has established a 14 day work period for its patrol officers. Patrol officers will earn overtime compensation for all hours worked above 80 hours in a 14 day work period. Employees in the City's fire department work in 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 21 day work period for its certified fire suppression personnel.

3.08.02 "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, ~~meal time when the officer is on a tour of duty of 24 hours or less and is completely relieved of duties during the meal time,~~ 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. Holiday and vacation time count as "hours worked" for purposes of calculating overtime.

3.09 EXPRESSION OF BREAST MILK

3.09.01 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, with a separate refrigerator 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.

3.11 TIME REPORTING

3.11.01 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.

3.11.02 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.

3.11.03 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.

3.11.04 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.

3.13 ON-CALL AND CALL-BACKS

3.13.01 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~~ may be required to have in their possession a working cell phone and wear a beeper and to respond immediately when notified to report to work. ~~by the beeper.~~ Response time should not exceed 30 minutes. The employee who is on-call is not restricted to a specific location provided he or she can meet the 30 minute response time.

3.13.02 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.

3.13.03 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.

3.13.04 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 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 not be counted as hours worked and will not 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 information 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.

3.15 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 circumstances 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.

4.03 HOLIDAYS

4.03.01 The City provides paid holidays to all full-time and regular part-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 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 may be 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. Veteran's Day;
- I. Thanksgiving Day;
- J. Friday following Thanksgiving;
- K. Christmas Eve; and
- L. 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 8 hours, paid at the employee's regular rate, except in the case of 24-hour Fire Department shift employees where the holiday is 12 hours. ~~All regular full-time employees are paid for holidays based on their normal day's pay. regular part-time employees whose work schedule involves less than 32 hours per week are paid a proportionate amount, if the holiday would have been the part-time employee's regularly scheduled workday.~~

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, if the leave was not approved, 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, ~~including wellness time off,~~ will be paid out upon termination.

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 days per year) for employees scheduled to work 40 hours per week. ~~Regular Full-time employees who work less than 40 hours per week will receive sick leave on a pro-rated basis.~~ Full-time firefighters shall accrue sick leave at a rate of 4.62 hours per pay period (fifteen days per year). Sick leave begins accruing immediately for all new full-time employees. ~~Regular part-time employees shall accrue sick leave at a rate proportionate to the number of hours worked in a week as compared to a full-time 40 hour work week. For example, an employee who is regularly scheduled to work 20 hours per week will accrue sick leave at one-half the rate of similarly employed full-time 40 hour per week employees with equal seniority.~~ 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 720 hours (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 a 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 hour increments for non-exempt employees. For employees who are exempt from FLSA under the executive, administrative, or professional categories, no deduction is made from salary or accrued sick leave for a partial day's absence on approved sick leave.

4.07.06 Sick leave may be allowed in case of medical doctor 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 shall 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 400 hours (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 10% ~~or~~ 40 hours of their leave balance per year unless otherwise authorized by the City Manager. ~~whichever amount is greater.~~ Employees wishing to request this benefit must submit their request, in writing, to Human Resources. 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 of the shared leave request. The employee requesting the shared leave donation and all donors shall remain anonymous.

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, sons/daughters-in-law, aunts and uncles) will be granted up to 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 ~~for this benefit~~ and the relationship of the employee to the deceased (ie: spouse, parent, sibling, etc.) must be listed on the timesheet. Non-exempt fire suppression personnel work 24-hour shifts will be eligible for a total of 36 hours of bereavement.

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 administering the FMLA program are as follows:

- A. FMLA Year:
 - a. Before October 1, 2016: A 12-month period rolled forward from the date any employee's first FMLA leave begins.
 - b. 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 12-month period.
- A. Child: Defined as a child 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 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.

- B. 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.
- C. 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 and 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.
- A. 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 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 physician 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 physician 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 90 (ninety) days.

4.11 FAMILY AND MEDICAL LEAVE

4.11.01 — Regular employees who have completed one (1) year of employment with the City and have worked at least 1,250 hours during the previous 12 months are entitled to receive family and medical leave (also called "FMLA Leave") in a 12-month period for one or more of the reasons listed below:

1. — Birth of a child of the employee in order to care for such child (leave must be taken within a twelve (12) month period after birth);
2. — Upon the placement of a child with the employee for adoption or foster care (leave must be taken within a twelve (12) month period after placement);
3. — To care for the employee's spouse, child or parent who has a serious health condition; or
4. — When the employee is unable to perform the essential functions of his or her position because of a serious health condition;
5. — Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty," or twenty-six workweeks of leave during a single 12-month period to care for a covered Servicemember with a serious injury or illness who is the spouse, son, daughter, parent or next of kin to the employee (military caregiver leave).

The male employee/father may be entitled to use earned paid Sick Leave for this purpose, concurrent with his unpaid FMLA leave.

A husband and wife who are eligible for FMLA leave and are both employed by the City of Murphy may be limited, by law, to a combined total of 12 weeks of leave during any 12-month period if the leave is taken for any of the following reasons:

1. — For the birth of a son or daughter or to care for the child after birth.
2. — For the placement of a son or daughter for adoption or foster care, or to care for the child after placement.
3. — To care for a parent with a serious health condition.

— When the husband and wife both use a portion of the total 12-week entitlement for one of the purposes noted above, each spouse shall be entitled to the difference between the amount of time he or she has taken individually and 12 weeks of FMLA leave for a purpose other than those listed above.

4.11.02 DEFINITIONS

~~FMLA Year~~ is defined as a twelve (12) month rolling period, measured from the first date FMLA began.

~~“Leave of Absence” for eligible employees is defined as an approved absence for up to 12 weeks of unpaid leave per FMLA year, under particular circumstances.~~

~~“Child” or “Son or Daughter” is defined as a child 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 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.~~

~~“Spouse” is 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.~~

~~“Parent” is defined as a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined.~~

~~“Serious Health Condition” is defined as an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of his/her job, or prevents the qualified member from participating in school or daily activities. Common colds, earaches, headaches, other than migraines, etc. are not usually considered serious health conditions.~~

~~“Continuing Treatments” are those that may be met with a period of incapacity of more than three (3) consecutive calendar days combined with at least 2 visits to a health care provider, or 1 visit to a health care provider and a regimen of continuous treatments such as prescription medication or therapy, incapacity due to pregnancy or to a chronic condition.~~

~~“Needed to Care for” provides physical and/or psychological care. The employee does not need to be the only individual or family member available to provide care, nor is the employee required to provide actual care (e.g., someone else is providing in-patient or home care) as long as the employee is providing at least psychological comfort and reassurance.~~

~~“Health Care Provider/Physician” includes doctors of medicine or osteopathy who are authorized by the State in which they practice, or any other person determined by the Family Medical Leave Act to be capable of providing health care services.~~

~~“Medical Certification” is defined as certification from a health care provider to support the claim for leave to care for a seriously ill child, spouse or parent, or for an employee’s serious health condition.~~

~~“Key Employee” is defined as a salaried employee who is among the highest paid 10 percent of all City employees. If reinstatement of a key employee at the conclusion of the leave period would result in substantial and grievous economic injury to the City, reinstatement to the key employee can be denied.~~

~~4.11.03 STATUS OF SERVICE AND BENEFITS~~

~~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. Employees on unpaid leave will be notified by Human Resources of contribution options with TMRS. It is the employee’s responsibility to initiate arrangements with TMRS for contribution payments.~~

- ~~1. During a Leave of Absence, employee health benefits will continue. Therefore the employee must continue to pay any share of his/her employee-paid health benefits premium.~~
- ~~2. Employees are responsible for repayment of any benefit costs paid by the City if they do not return to work, unless failure to return to work was for a verifiable reason beyond the employee’s control.~~

~~4.11.04 INTERMITTENT OR REDUCED LEAVE~~

- ~~1. Leave may be taken on an intermittent or reduced leave schedule if necessary for approved reasons under this policy. The employee must attempt to schedule the leave so as not to disrupt the City’s operations.~~
- ~~2. Employees will be required to provide documentation from the health care provider certifying a medical necessity for intermittent leave, and the time and length of the leave requested. The City may require the employee to transfer temporarily to an alternative position (equivalent in pay and benefits) which accommodates recurring periods of absence or to a part time schedule provided the position has the equivalent rate of pay and benefits.~~

~~4.11.05 FMLA-Military Family Leave~~

- ~~1. **Military Caregiver Leave** (also known as Covered Servicemember Leave): Under the first of these new military family leave entitlements, eligible employees who are family members of covered servicemembers will be able to take up to 26 workweeks of leave in a “single 12-month period” to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty. The definition of “serious injury or illness” also includes an injury or illness that existed before the beginning of the Servicemember’s active duty that was aggravated by service in the~~

~~line of duty on active duty. Based on a recommendation of the President's Commission on Wounded Warriors (the Dole-Shalala Commission), this 26 workweek entitlement is a special provision that extends FMLA job-protected leave beyond the normal 12 weeks of FMLA leave. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons.~~

2. ~~**Qualifying Exigency Leave:** Any qualifying exigency arising due to the spouse, son, daughter or parent of the employee being on active duty (or having been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered Servicemember is entitled to a total of 26 workweeks of leave during a 12-month period to care for the Servicemember. The leave described in this paragraph shall only be available during one single 12-month period. Qualifying exigency refers to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.~~

~~**4.11.06** — An eligible employee is entitled to take up to 12 weeks of paid or unpaid FMLA Leave in any 12-month period. The 12-month period shall be a rolling 12-month period measured backward from the date leave is used. The provisions for using FMLA Leave for items 1 through 3, listed above, are as follows:~~

1. ~~An employee who has no accrued paid leave will receive unpaid family and medical leave up to a maximum of twelve (12) weeks;~~
2. ~~An employee who has less than twelve (12) weeks of accrued paid leave must first use all accrued paid leave toward the twelve (12) weeks; thereafter, the remaining balance of the twelve (12) weeks shall be unpaid FMLA leave; and~~
3. ~~An employee who has more than twelve (12) weeks of accrued paid leave may use the accrued paid leave over and beyond the twelve (12) weeks, if necessary, for family and medical leave causes, only upon review by the Human Resources Department and approval by the City Manager.~~

~~An employee who takes FMLA leave under these provisions is entitled to be restored to the position held when the leave commenced or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.~~

~~4.11.07~~ Requests for FMLA Leave should be made at least 30 days prior to the leave start date. To be eligible for FMLA Leave, proof of a serious health condition must be certified by a health care provider, as defined by the FMLA. An employee may be required to submit periodic written status reports to the Human Resources Department. 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. An employee shall continue to receive health insurance benefits during FMLA Leave. The City shall continue paying its portion and the employee shall continue to pay his portion of health insurance benefits. FMLA Leave may be delayed or denied due to the failure of an employee to adhere to these Regulations. An employee may be terminated if the FMLA Leave exceeds 12 weeks within a 12-month period of time. Further information regarding the federal regulations concerning the Family and Medical Leave Act is available in the Human Resources Department.

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 basic safety rules described in the City-wide Safety Handbook and 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-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 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-motor vehicle accident alcohol and drug tests shall be conducted on all employees as soon as practical following an accident. 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 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 Human Resources 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 26 weeks. Twelve 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 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 70% 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 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 30 day intervals.

D. Employees suffering injuries that have extended beyond the 90 days or are not eligible for supplemental salary continuation may elect to use their personal leave accruals ~~day, sick leave or vacation 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 returns to work or is released to return to work by their licensed medical professional.

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 26 weeks for an employee on injury leave. To continue group and/or dependents' medical insurance after the 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 the licensed medical professional for consultation or treatment, he or she must provide a progress report to the appropriate City 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 will be placed on inactive status until released by the licensed medical professional to return to his or her previous full job duties. ~~No overtime may be worked by any employees placed on temporary light duty status.~~ 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 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.

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 insurance. 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 full-time 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 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 in the Texas Municipal Retirement System Handbook available through the Human Resources Department.
- E. 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. Employees on leave without pay are not eligible to make contributions to the Texas Municipal Retirement System.

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 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 subject to federal withholdings, including TMRS contributions, and will be paid annually in November. 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. ~~The City Manager, on a case by case basis, has discretion to override this policy and pay the full longevity amount for an employee's entire tenure upon their separation for employees that have been employed five (5) years or longer only.~~

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 The City has a “zero tolerance” policy, whereby employees who test positive as a result of drug or alcohol testing, or who refuse to submit to a lawful drug or alcohol test, shall be terminated. Employees who are terminated as a result of testing positive for drugs or alcohol or refusing to submit to a drug or alcohol test shall not be considered for re-employment with the City.

6.03.04 For the purposes of this section, the term “drug” includes alcohol, prescription drugs when not taken as directed by the employee’s doctor, illegal inhalants and illegal drugs.

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. 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 of any kind shall 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 or both members through promotion or transfer would be expected to notify their Department Director 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.

6.11 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.

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, 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 have 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 termination.

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 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 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.

6.13.06 ~~An employee who is mandated to take a defensive driver training program may only do so once every three (3) years in order to have his or her eligibility status reinstated, and employee is personally responsible for the cost of said training.~~

6.14 SMOKING/TOBACCO/VAPOR PRODUCTS

6.14.01 In general, the use of smoking, tobacco and vapor products are prohibited within City facilities, work sites 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.

6.16 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, pager—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.

6.18 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 Department 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.*

~~Employees are expected to arrive at work each day prior to commencement of the workday, regardless of weather conditions. If the weather conditions or roads are unsatisfactory in the employee's residential area, the supervisor must be notified by phone prior to the employee's scheduled work time. An employee who fails to report to work for scheduled work hours during hazardous weather conditions, such as icy roads, must use vacation leave for the 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. Unless your supervisor or director notifies you to stay at home, or our recorded phone message says the offices are closed, you are expected to report for work.~~

7.03 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 statement(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 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 contemplating a termination 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.

1. Employee Counseling: Employee counseling is designed to provide constructive feedback to the employee for infractions that need improvement. This type of action is generally of a non-disciplinary nature. A written notation of this session shall be maintained in the department or division file.
2. Documented 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. A written record of this warning shall become a permanent part of the employee's personnel file and is not appealable.
3. Written Reprimand: A written reprimand is a formal warning of an infraction that may result in suspension, demotion or termination should the violation recur. Included in the written reprimand shall be a statement(s) of the specific violation(s) of policy, the specific incident(s) causing the action, what changes in behavior are expected, what penalty shall be imposed if no changes are made by the employee and the right to appeal. The employee shall be given the opportunity to respond in written form to the written reprimand. Both the disciplining Supervisor and the employee should sign the written reprimand. 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.
4. 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. 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. Prior to suspending an employee, the Department Director shall confer with the Human Resources Department. Suspension for more than ten (10) working days requires the written approval of the City Manager. The Department Director contemplating a suspension shall give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(ies) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within a specified time, and (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Director shall make his or her final determination in writing. The suspension documentation shall become a permanent part of the employee's personnel file.
5. Demotion: Department Directors may demote an employee for a disregard or violation of these Regulations and/or any City or departmental rule or regulation, or for repeated refusal or inability to improve performance. Prior to demoting an

~~employee, the Department Director shall confer with the Human Resources Department regarding the proposed demotion. Demotions may be either permanent or for a predetermined specified period of time, and may result in a reduction of salary. The Department Director contemplating a demotion shall give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within the specified time, (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Director shall make his or her final determination in writing. The demotion documents shall become a permanent part of the employee's personnel file.~~

6. ~~Termination: Prior to terminating an employee, the Department Director shall confer with the Human Resources Department. A Department Director contemplating a termination shall give written notice to the employee stating (1) the type of disciplinary action contemplated, (2) the specific rule(s) or policy(s) violated, (3) the specific incident(s) causing the action, (4) the employee's right to appeal to the City Manager within the specified time, (5) the finality of the action if the employee fails to appeal within the specified time period, and (6) an opportunity for the employee to provide a written or verbal statement in response to the allegations. Upon review of any information provided by the employee, the Department Director shall make his or her final determination in writing. The termination documents shall become a permanent part of the employee's personnel file.~~

~~C. The City Manager may take any disciplinary action against a City employee. The City Manager may follow the procedures in Sections 7.03(A) and (B) but is not required to do so. There is no right to appeal disciplinary action taken by the City Manager.~~

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 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.

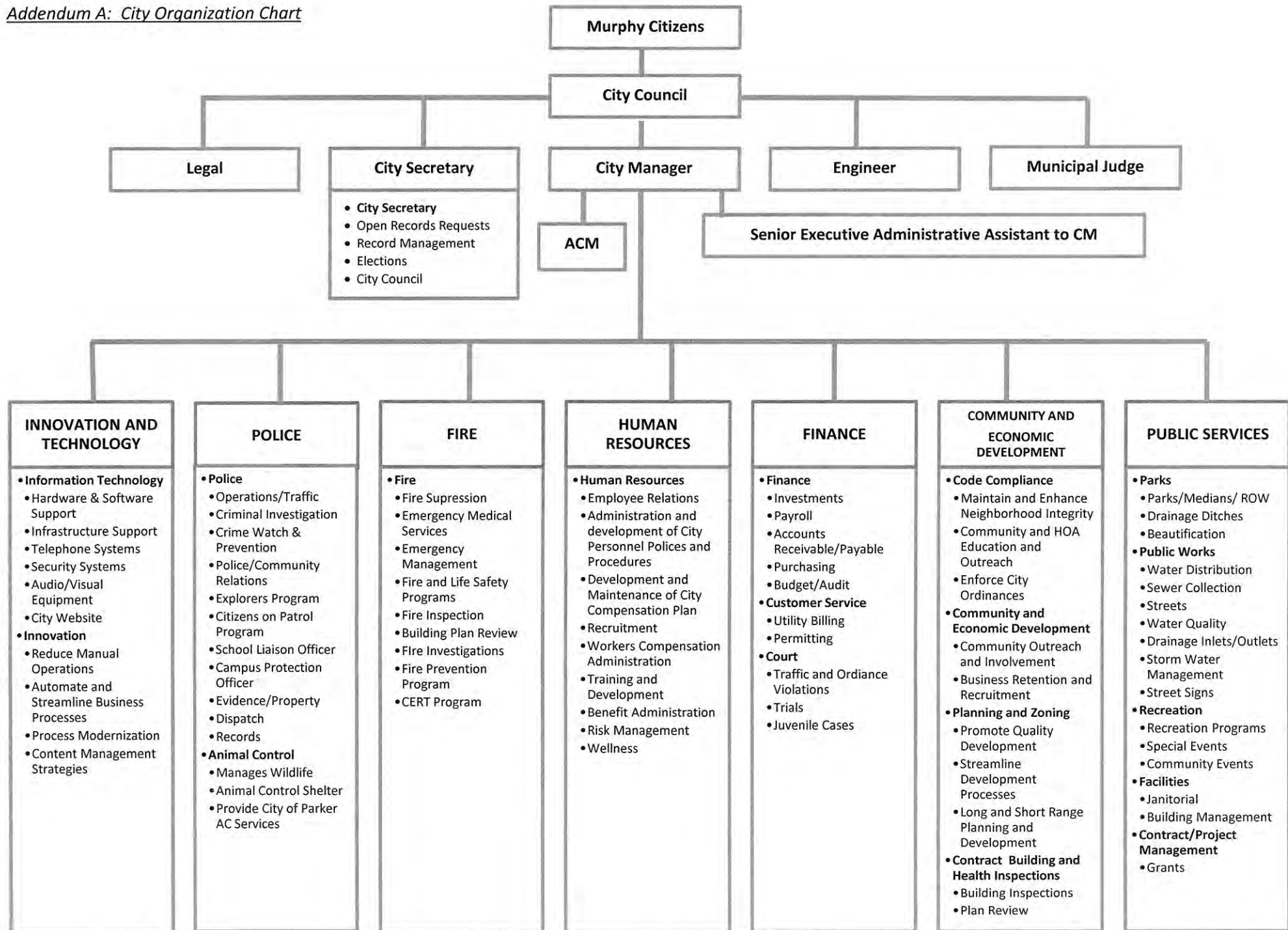
8.08.02 Unused sick leave will be canceled upon separation of employment with the City, except as provided in Section 8.08.03 below. ~~Unused accrued holidays and personal days will be paid out upon separation from the city.~~

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 400 hours (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.

~~If an employee retires from the City, that employee may be compensated for any accrued sick leave, not to exceed 400 hours (600 for full-time fire suppression personnel) Payout is subject to budget allocation and approval of the City Council upon recommendation from the City Manager. Retirement is defined as working for the City of Murphy at least 20 years as a full-time employee, with at least 10 consecutive years as a full-time employee.~~

8.08.04 The employee will receive his or her final paycheck on the next regularly scheduled payday following his or her last day of employment. This final check will be by a paycheck rather than direct deposit which will be hand delivered or mailed to the employee's last known address rather than by direct deposit.

Addendum A: City Organization Chart



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 Justification for an MCD allowance should include an explanation of how the device will be used in conducting City business as well as an estimate on the frequency of usage. Justification must be provided on the Mobile Communication Device Allowance Authorization Form and sent to the Information Technology Manager for processing. It should not be issued based solely on position or title. 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.

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 annually every two (2) years thereafter (subject to department director and/or City Manager approval), 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 may be 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. Assure that MCDs used to access any City information system or which may contain any City data is locked and password protected when not in use.
- P. Do not drive or operate a vehicle while conducting City business with an MCD unless the mobile device is hands-free.

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 Information Technology Manager for additional processing.
- B. The department director must periodically review the need for MCDs used by employees for business purposes.
- C. The department director has the option of revoking the allowance approval.
- D. 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.

- E. 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. When necessary, the Information Technology Department will load City-licensed or City-required applications onto employee-owned MCDs.
- C. 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.
- D. 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.
- E. The Finance Department will budget the monthly allowance and annual device allowance for all approved devices.
- F. 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.
- G. The Information Technology Department will review and approve all MCD email/network connectivity requests.
- H. 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 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 may be found in Section 252.022 – General Exemption. 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 produce; product is available only from a natural or regulated monopoly; product is a component of an existing system only available from that supplier.

~~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 include:~~

- ~~1. Purchase of land or right-of-way;~~
- ~~2. Insurance;~~
- ~~3. Professional (uses a skill that is predominately mental or intellectual, rather than physical or manual), personal (labor performed by the person himself or herself) or planning services;~~

- ~~4. Sole source procurements where there is no competitive produce; product is available only from a natural or regulated monopoly; product is a component of an existing system only available from that supplier;~~
- ~~5. Other exemptions as outlined in the Texas Local Government Code Chapter 252.~~

10.04.02 Section 252.0215 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.

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. Reimbursement and refunds with prior Department Head approval;~~
- ~~C. Dues and memberships;~~
- ~~D. Utilities;~~

- ~~E. Food;~~
- F. 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.

~~A credit card transaction log and receipt for purchase must be submitted to the Finance Department within three (3) days of purchase or within five (5) days of travel. The transaction log must be signed by the authorized approver. If transaction logs and receipts are not submitted within three (3) days of purchase, the user may lose his or her credit card privileges. Department Heads are responsible for credit card expenditures by employees within their department.~~

10.10 CITY COUNCIL APPROVAL

10.10.01 The City Council shall consider and award bids and contracts that require expenditure of at least \$50,000.

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 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 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.

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. The City will pay for two checked baggage fees and any other related necessary airline expense. However, the City will not pay for passenger upgrade fees or pre-board fees.
- 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.
 - a. When two or more persons travel in a single private vehicle, only one shall receive a transportation reimbursement. This provision shall not preclude each traveler from receiving compensation for other allowable expenses. When two or more persons are required to make the same trip every effort shall be made to utilize one vehicle unless the lowest cost of transportation is air travel.
 - b. Reimbursement for mileage will not be made for an amount in excess of the cost of the lowest refundable round trip airfare, without prior approval by the City Manager.
 - c. Travel within the City must be documented in order to be considered for reimbursement.
 - d. City employees receiving a car allowance are eligible for mileage reimbursement subject to the following conditions:
 - i. Reimbursable travel is outside a 50 ~~20~~-mile radius of the City of Murphy.

- ii. 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.

2. 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.

11.04.02 The City will reimburse for actual lodging expenses incurred only at a single room rate. Itemized receipts must be submitted for lodging expenses that furnish a detail breakdown of day-to-day charges.

11.04.03 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, that meal must be deducted from the requested per diem rate. If the employee chooses to purchase that meal elsewhere for any reason, the employee shall pay for the meal at their own expense. the per diem reimbursement request for that specific meal purchase must have a receipt and be reviewed for payment by the City Manager.~~

11.04.04 An employee who is traveling on official City business for a continuous period of a minimum of four hours but less than twenty-four 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 hours unless the business meeting includes a meal.

11.04.05 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.

11.04.06 Telephone and other communication expenses will be allowed only for necessary business purposes.

11.04.07 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.

11.04.08 All any unusual expenditures must be justified in writing and approved by the City Manager.

11.05 MAJOR CREDIT CARDS

11.05.01 The Finance Department can make available a ~~corporate~~ city-issued credit card to be used for plane tickets and 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. (See Section 3.03) 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 five (5) ~~ten~~ 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.

11.05.02 All credit card receipts must be listed and coded on the credit card log as provided by Finance. The log must be signed and date 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.

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.

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 Your 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 5 business days ~~as soon as possible~~ for reconciliation purposes. If original receipts are not returned promptly, the credit ~~purchasing~~ 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 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.

~~A report of all transaction activity is sent to the designated department representative monthly. The department representative matches the receipts to the transaction activity report and assigns line item expenditure for each transaction. A hard copy of the report with receipts attached must be approved by the department director (or assigned~~

~~representative) and forward to the Finance department for final processing and statement reconciliation.~~

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: _____

**City Council Meeting
February 16, 2016**

Issue

Consider and/or act upon the Murphy Matters – Outstanding Citizen Award program.

Staff Resource/Department

James Fisher, City Manager

Summary

The City of Murphy's "Murphy Matters" award has been created to recognize outstanding citizens for their extraordinary contributions, service, positive impact, civic pride, and strong sense of volunteerism. Citizens who receive this award have exemplified these traits and enriched the lives of the people they have helped.

Eligibility

- All citizens who reside in Murphy, Texas
- Business owners with businesses in Murphy, Texas
- There is no age limit
- Recipients may only receive one (1) Murphy Matters award within 2 (two) years.

Nomination Procedure

The nomination procedure shall include the filing of a nomination form in its entirety with the City of Murphy. The application form is located at City Hall, 206 N Murphy Road, Murphy, Texas 75094 or you may download the form at <http://www.Murphytx.org> or request the form by email at MurphyMattersNominations@murphytx.org. Nomination forms are accepted on an ongoing basis.

Nominations are reviewed and considered by the Mayor and City Manager, who will then forward to the City Council. Awards will be presented at a regularly scheduled City Council Meeting.

Action Requested

Review the proposed program and determine if this is something the City Council would like to move forward.

Attachments

Murphy Matters – Outstanding Citizen Award Program.



City of Murphy

Murphy Matters – Outstanding Citizen Award

Mission

The City of Murphy's "Murphy Matters" award has been created to recognize outstanding citizens for their extraordinary contributions, service, positive impact, civic pride, and strong sense of volunteerism. Citizens who receive this award have exemplified these traits and enriched the lives of the people they have helped.

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Nominations are reviewed and considered by the Mayor, City Manager and then forwarded to the City Council. Awards will be presented at a regularly scheduled City Council Meeting.



City of Murphy

Murphy Matters – Outstanding Citizen Award Nomination Form

I would like to nominate _____ for the City of Murphy's Murphy Matters – Outstanding Citizen Award.

Date: _____

Information of Nominee

Name: _____

E-mail: _____

Address: _____ City: _____ Zip: _____

Daytime Phone Number: _____ Cell Phone Number: _____

Information of Nominator

Name: _____

E-mail: _____

Address: _____ City: _____ Zip: _____

Daytime Phone Number: _____ Cell Phone Number: _____



Items to include with application form:

- **Statement of Qualifications**
 - A complete statement of the nominee's qualifications for recognition including but not limited to, community service, volunteer work, sports, education, valor, etc.
- **Description of contributions to the community**
 - A summary of how the nominee's activities or involvement over the last year exemplified a strong sense of volunteerism, civic pride and commitment toward the betterment of the community, and how such activity made a difference in enhancing and improving the quality of life in Murphy.
- **Other items such as**
 - Any other comments you feel are pertinent to the consideration of this nomination.
 - Pictures

Declaration

I hereby declare that to the best of my knowledge all of the information provided is accurate and correct.

Signature of Nominee: _____ Date: _____

Completed Nomination Forms

For more information or to drop off completed nomination forms, please contact:

Murphy Matters – Outstanding Citizen Award
206 N Murphy Road
Murphy, Texas 75094
972-468-4107

Or you may scan and email a copy of your nomination form to:

MurphyMattersNominations@murphytx.org

City Council Meeting
February 16, 2016

Issue

Consider and/or act to authorize the City Manager to execute the Contract for Election Services for the May 7, 2016 General Election between the City of Murphy and the Elections Administrator of Collin County, Texas.

Staff Resource/Department

Susie Quinn, City Secretary

Background

The City of Murphy has contracted with the Collin County Elections Administrator coordinate, supervise and conduct elections for several years. The attached contract is for election services for the May 7, 2016 General Election and, if necessary, the June 10, 2016 runoff election.

Financial Considerations

The City Secretary's Office has budgeted \$25,000 for election expenses in the FY 2016 Budget. The proposed contract price is \$7,573.48, but that will change depending on how many entities cancel their elections. Provided there is no runoff election, Staff does not anticipate the election cost to exceed \$10,000. Should a runoff be necessary, the entire budget \$25,000 will most likely be spent.

Board/Staff Recommendation

Staff recommends approval.

Attachments

May 7, 2016 Contract for Election Services

May 7, 2016
Joint General & Special Election
Contract for Election Services
City of Murphy/Plano ISD

May 7, 2016 Joint General & Special Election

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Exhibit B.....	Election Day Vote Centers
Exhibit C.....	Cost of Services

THE STATE OF TEXAS
COUNTY OF COLLIN
CITY – SCHOOL PLANO

§

CONTRACT FOR
ELECTION SERVICES

BY THE TERMS OF THIS CONTRACT made and entered into by and between the CITY OF MURPHY, hereinafter referred to as the "CITY," and the BOARD OF TRUSTEES OF THE PLANO INDEPENDENT SCHOOL DISTRICT, hereinafter referred to as the "SCHOOL DISTRICT," and BRUCE SHERBET, Elections Administrator of Collin County, Texas, hereinafter referred to as "Contracting Officer," pursuant to the authority in Subchapter D, Section 31.092, of Chapter 31, of the Texas Election Code, agree to the following particulars in regard to coordination, supervision and running of the City and School District's May 7, 2016 Joint General & Special Election and a City Runoff Election, if necessary, on June 18, 2016. An additional cost estimate, early voting calendar, and Election Day polling place schedule will be prepared should a Runoff Election be necessary.

THIS AGREEMENT is entered into in consideration of the mutual covenants and promises hereinafter set out. IT IS AGREED AS FOLLOWS:

I. DUTIES AND SERVICES OF CONTRACTING OFFICER. The Contracting Officer shall be responsible for performing the following duties and shall furnish the following services and equipment:

A. The Contracting Officer shall arrange for appointment, notification (including writ of election), training and compensation of all presiding judges, alternate judges, the judge of the Central Counting Station and judge of the Early Voting Ballot Board.

a. The Contracting Officer shall be responsible for notification of each Election Day and Early Voting presiding judge and alternate judge of his or her appointment. The recommendations of the City and the School District will be the accepted guidelines for the number of clerks secured to work in each Vote Center. The presiding election judge of each Vote Center, however, will use his/her discretion to determine when additional manpower is needed during peak voting hours. The Contracting Officer

will determine the number of clerks to work in the Central Counting Station and the number of clerks to work on the Ballot Board. Election judges shall be secured by the Contracting Officer with the approval of the City and the School District.

- b. Election judges shall attend the Contracting Officer's school of instruction (Elections Seminar); calendar will be provided.
- c. Election judges shall be responsible for picking up from and returning election supplies to the county election warehouse located at 2010 Redbud Blvd., Suite 102, McKinney. Compensation for this pickup and delivery of supplies will be \$25.00.
- d. The Contracting Officer shall compensate each election judge and worker. Each judge shall receive \$12.00 per hour for services rendered. Each alternate judge and clerk shall receive \$10.00 per hour for services rendered. Overtime will be paid to each person working over 40 hours per week.

B. The Contracting Officer shall procure, prepare, and distribute voting machines, election kits and election supplies.

- a. The Contracting Officer shall secure election kits which include the legal documentation required to hold an election and all supplies including locks, pens, magic markers, etc.
- b. The Contracting Officer shall secure all tables, chairs, and legal documentation required to run the Central Counting Station.
- c. The Contracting Officer shall provide all lists of registered voters required for use on Election Day and for the early voting period required by law.

d. The Contracting Officer shall procure and arrange for the distribution of all election equipment and supplies required to hold an election.

1. Equipment includes the rental of voting machines, ADA compliance headphones and keypads (1 per site), transfer cases, voting signs and election supply cabinets.

2. Supplies include smart cards, sample ballots, provisional forms, maps, labels, pens, tape, markers, etc.

C. The Contracting Officer, Bruce Sherbet, shall be appointed the Early Voting Clerk by the City and the School District.

a. The Contracting Officer shall supervise and conduct Early Voting by mail and in person and shall secure personnel to serve as Early Voting Deputies.

b. Early Voting by personal appearance for the City and School District's May 7, 2016, Joint General & Special Election shall be conducted during the time period and at the locations listed in Exhibit "A", attached and incorporated by reference into this contract.

c. All applications for an Early Voting mail ballot shall be received and processed by the Collin County Elections Administration Office, 2010 Redbud Blvd., Suite 102, McKinney, Texas 75069.

1. Application for mail ballots erroneously mailed to the City or School District shall immediately be faxed to the Contracting Officer for timely processing. The original application shall then be forwarded to the Contracting Officer for proper retention.

2. All Federal Post Card Applicants (FPCA) will be sent a mail ballot. No postage is required.

d. All Early Voting ballots (those cast by mail and those cast by personal appearance) shall be prepared for count by the Early Voting Ballot Board in accordance with Chapter 87 of the Texas Election Code. The presiding judge of this Board shall be appointed by the Contracting Officer.

D. The Contracting Officer shall arrange for the use of all Election Day Vote Centers. The City and School District shall assume the responsibility of remitting the cost of all employee services required to provide access, provide security or provide custodial services for the Vote Centers. The Election Day Vote Centers are listed in Exhibit "B", attached and incorporated by reference into this contract.

E. The Contracting Officer shall be responsible for establishing and operating the Central Counting Station to receive and tabulate the voted ballots in accordance with Section 127.001 of the Election Code and of this agreement. Counting Station Manager and Central Count Judge shall be Bruce Sherbet. The Tabulation Supervisor shall be Patty Seals.

a. The Tabulation Supervisor shall prepare, test and run the county's tabulation system in accordance with statutory requirements and county policies, under the auspices of the Contracting Officer.

b. The Public Logic and Accuracy Test of the electronic voting system shall be conducted.

c. Election night reports will be available to the City and School District at the Central Counting Station on election night. Provisional ballots will be tabulated after election night in accordance with law.

d. The Contracting Officer shall prepare the unofficial canvass report after all precincts have been counted, and will provide a copy of the unofficial canvass to the City and School District as soon as possible after all returns have been tallied.

e. The Contracting Officer shall be appointed the custodian of the voted ballots and shall retain all election material for a period of 22 months.

1. Pending no litigation and as prescribed by law, the voted ballots shall be shredded 22 months after the election.
 2. The City and School District can obtain the list of registered voters from the Elections Administration Office after this retention period. Pending no litigation and if the City or School District does not request the lists, the Contracting Officer shall destroy them.
- f. The Contracting Officer shall conduct a manual count as prescribed by Section 127.201 of the Texas Election Code and submit a written report to the City and School District in a timely manner. The Secretary of State may waive this requirement. If applicable, a written report shall be submitted to the Secretary of State as required by Section 127.201(E) of the aforementioned code.

II. DUTIES AND SERVICES OF THE CITY AND SCHOOL DISTRICT. The City and School District shall assume the following responsibilities:

- A. The City and School District shall prepare the election orders, resolutions, notices, official canvass and other pertinent documents for adoption by the appropriate office or body. The City and School District assumes the responsibility of posting all notices and likewise promoting the schedules for Early Voting and Election Day.
- B. The City and School District shall provide the Contracting Officer with an updated map and street index of their jurisdiction in an electronic (shape file preferred) or printed format as soon as possible but no later than Friday, March 4, 2016.
- C. The City and School District shall procure and provide the Contracting Officer with the ballot layout and Spanish interpretation in an electronic format.
- a. The City and School District shall deliver to the Contracting Officer as soon as possible, but no later than 5:00 PM Thursday, February 25, 2016, the official wording for the City and School District's May 7, 2016, Joint General & Special Election.**

b. The City and School District shall approve the "blue line" ballot format prior to the final printing.

D. The City and School District shall post the publication of election notice by the proper methods with the proper media.

E. The City and School District shall compensate the Contracting Officer for any additional verified cost incurred in the process of running this election or for a manual count this election may require, consistent with charges and hourly rates shown on Exhibit "C" for required services.

F. The City and School District shall pay the Contracting Officer 90% of the estimated cost to run the said election prior to Friday, April 1, 2016. The Contracting Officer shall place the funds in a "contract fund" as prescribed by Section 31.100 of the Texas Election Code. The Deposit should be delivered within the mandatory time frame to:

**Collin County Treasury
2300 Bloomdale Rd. #3138
McKinney, Texas 75071**

Made payable to: "Collin County Treasury" with the note "for election services" included with check documentation.

G. The City and School District shall pay the cost of conducting said election, less partial payment, including the 10% administrative fee, pursuant to the Texas Election Code, Section 31.100, within 30 days from the date of final billing.

III. COST OF SERVICES. See Exhibit "C."

IV. GENERAL PROVISIONS.

A. Nothing contained in this contract shall authorize or permit a change in the officer with whom or the place at which any document or record relating to the City and School District's May 7, 2016, Joint General & Special Election is to be filed or the place at which any function is to be carried out, or any nontransferable functions specified under Section 31.096 of the Texas Election Code.

B. Upon request, the Contracting Officer will provide copies of all invoices and other charges received in the process of running said election for the City and School District.

C. If the City and/or School District cancel their election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be paid a contract preparation fee of \$75. An entity canceling an election will not be liable for any further costs incurred by the Contracting Officer in conducting the May 7, 2016, Joint General & Special Election. All actual shared cost incurred in the conduct of the election will be divided by the actual number of entities contracting with the Contracting Officer **and** holding a May 7, 2016, Joint General & Special Election.

D. The Contracting Officer shall file copies of this contract with the County Judge and the County Auditor of Collin County, Texas.

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2016.

Bruce Sherbet
Collin County, Texas

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2016.

By: _____
James Fisher, City Manager
City of Murphy

Attest: _____
Susie Quinn, City Secretary
City of Murphy

WITNESS BY MY HAND THIS THE ____ DAY OF _____ 2016.

By: _____
Dr. Brian T. Binggeli, Superintendent
Plano Independent School District

Attest: _____
Nancy Humphrey, Board President
Plano Independent School District

Exhibit “A”

MAY 7, 2016
JOINT GENERAL & SPECIAL ELECTION

Early Voting Locations and Hours
City of Murphy & PLANO ISD*

Polling Place		Address		City		
Collin County Election Office (Main Early Voting Location)		2010 Redbud Blvd., #102		McKinney		
Carpenter Park Recreation Center		6701 Coit Road		Plano		
Collin College Spring Creek		2800 E. Spring Creek Parkway		Plano		
Davis Library		7501-B Independence Parkway		Plano		
Haggard Library		2501 Coit Road		Plano		
Harrington Library		1501 18 th Street		Plano		
Murphy Community Center		205 N. Murphy Road		Murphy (Shared cost only)		
Parr Library		6200 Windhaven Parkway		Plano		
Plano ISD Administration Center		2700 W. 15 th Street		Plano		
Renner Frankford Branch Library		6400 Frankford Road		Dallas		
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>April 24</i>	<i>April 25</i>	<i>April 26</i>	<i>April 27</i>	<i>April 28</i>	<i>April 29</i>	<i>April 30</i>
	8am – 5pm	8am – 5pm	8am – 5pm	8am - 7pm	8am - 5pm	8am - 5pm
<i>May 1</i>	<i>May 2</i>	<i>May 3</i>	<i>May 4</i>	<i>May 5</i>	<i>May 6</i>	<i>May 7</i>
	7am – 7pm	7am – 7pm				7am – 7pm Election Day

* City and School District voters may vote at any of the additional Early Voting locations open under full contract services with the Collin County Elections Administration.

Exhibit “B”

MAY 7, 2016
JOINT GENERAL & SPECIAL ELECTION

Election Day Vote Centers –Plano ISD*

Precincts	Location	Address	City
“VOTE CENTER”	Aldridge Elementary School	720 Pleasant Valley Lane	Richardson
“VOTE CENTER”	Armstrong Middle School	3805 Timberline Drive	Plano
“VOTE CENTER”	Bethany Elementary School	2418 Micarta Drive	Plano
“VOTE CENTER”	Bowman Middle School	2501 Jupiter Road	Plano
“VOTE CENTER”	Carpenter Middle School	3905 Rainier Road	Plano
“VOTE CENTER”	Haggard Middle School	2832 Parkhaven Drive	Plano
“VOTE CENTER”	Hendrick Middle School	7400 Red River Drive	Plano
“VOTE CENTER”	Mitchell Elementary School	4223 Briargrove Lane	Dallas
“VOTE CENTER”	Parker City Hall	5700 E. Parker Road	Parker
“VOTE CENTER”	Parr Library	6200 Windhaven Parkway	Plano
“VOTE CENTER”	Renner Frankford Branch Library	6400 Frankford Road	Dallas
“VOTE CENTER”	Robinson Middle School	6701 Preston Meadow Dr.	Plano
“VOTE CENTER”	Schimelpfenig Middle School	2400 Maumelle Drive	Plano
“VOTE CENTER”	Shepton High School	5505 Plano Parkway	Plano
“VOTE CENTER”	Tom Muehlenbeck Recreation Center	5801 W. Parker Road	Plano
“VOTE CENTER”	Wilson Middle School	1001 Custer Road	Plano

Election Day Vote Centers –City of Murphy & Plano ISD*

Precincts	Location	Address	City
“VOTE CENTER”	Miller Elementary School	5651 Coventry Drive	Richardson
“VOTE CENTER”	Murphy Community Center	205 N. Murphy Road	Murphy

*City and School District voters may vote at any of the additional Election Day Vote Centers open under full contract services with the Collin County Elections Administration.

ESTIMATED COSTS FOR CITY OF MURPHY

May 7, 2016

Exhibit "C"

SUPPLY COST

Number of Early Voting Locations		1			
Number of Election Day Locations		2			
		Units	Cost Murphy	Units	Cost PISD/Murphy
Sample Ballots	\$0.1866 each	250	\$46.65	500	\$93.30
Early Voting Mail Ballots	\$1.20 each	25	\$30.00	25	\$30.00
Precinct Ballot Setup	\$10.00 each	1	\$10.00	1	\$10.00
Precinct Ballots	\$0.4002 each	25	\$10.01	25	\$10.01
Early voting and election day kits	\$25.00 each	0	\$0.00	3	\$75.00
Central Counting kit and supplies	\$50.00 each	0	\$0.00	1	\$50.00
County Precinct Maps	\$12.00 each	0	\$0.00	3	\$36.00
Printer Labels	\$5.27 each	0	\$0.00	5	\$26.35
Total			\$96.66		\$330.66
Number of Entities Sharing Costs			1		2
SubTotal			\$96.66		\$165.33
Grand Total					\$261.98

EQUIPMENT RENTAL COST

Number of Early Voting Locations		1			
Number of Election Day Locations		2			
		Units	Cost Murphy	Units	Cost PISD/Murphy
Voting Machines (7's)	\$150.00 each	0	\$0.00	6	\$900.00
Voting Machines (6's)	\$200.00 each	0	\$0.00	6	\$1,200.00
Transfer Cases	\$5.00 each	0	\$0.00	2	\$10.00
Metal Signs	\$1.00 each	0	\$0.00	6	\$6.00
Wood Signs	\$2.00 each	0	\$0.00	3	\$6.00
EV Security Cabinets	\$200.00 each	0	\$0.00	1	\$200.00
EV Computer Cabinet	\$50.00 each	0	\$0.00	1	\$50.00
ED Security Cabinets	\$200.00 each	0	\$0.00	2	\$400.00
EV/ED Cabinet Drayage	\$120.00 each	0	\$0.00	3	\$360.00
Total			\$0.00		\$3,132.00
Number of Entities Sharing Costs			1		2
SubTotal			\$0.00		\$1,566.00
Grand Total					\$1,566.00

May 7, 2016

Exhibit "C"

EARLY VOTING

Number of Early Voting Locations	1	0	0
Workers each location	4	0	0
	Units	Cost PISD	Units Cost PISD/Murphy
Mailed Ballot Kits	\$1.00 each	25 \$25.00	25 \$25.00
Postage for Ballots	\$0.88 each	25 \$22.00	25 \$22.00
Assemble EV Location	\$50.00 each	0 \$0.00	1 \$50.00
Total Judge Hours	\$12.00 hour	0 \$0.00	66 \$792.00
Overtime Judge Hours	\$18.00 hour	0 \$0.00	22 \$396.00
Total Alt. Judge & Clerk Hours	\$10.00 hour	0 \$0.00	198 \$1,980.00
Overtime Alt. Judge & Clerk Hours	\$15.00 hour	0 \$0.00	66 \$990.00
Pickup & Delivery of Supplies	\$25.00 each	0 \$0.00	1 \$25.00
Total		\$47.00	\$4,280.00
Number of Entities Sharing Costs		<u>1</u>	<u>2</u>
SubTotal		\$47.00	\$2,140.00
Grand Total	\$2,187.00		

ELECTION DAY

Number of Election Day Locations	2		
Workers each location	4		
	Units	Cost PISD	Units Cost PISD/Murphy
Total Judge Hours	\$12.00 hour	0 \$0.00	28 336
Total Alt. Judge & Clerk Hours	\$10.00 hour	0 \$0.00	84 840
Pickup & Delivery of Supplies	\$25.00 each	0 \$0.00	2 50
Total		\$0.00	\$1,226.00
Number of Entities Sharing Costs		<u>1</u>	<u>2</u>
SubTotal		\$0.00	\$613.00
Grand Total	\$613.00		

ADMINISTRATIVE EXPENSES

Number of Early Voting Locations	1	8	1
Number of Election Day Locations	1	16	2
	Units	Cost PISD	Units Cost PISD/Murphy
Manual Recount Deposit	\$60.00 each	0 \$0.00	1 \$60.00
Process Pollworker Checks	\$1.50 each	0 \$0.00	12 \$18.00
Process Election Judge Notices	\$1.50 each	0 \$0.00	6 \$9.00
Total		\$0.00	\$87.00
Number of Entities Sharing Costs		<u>1</u>	<u>2</u>
SubTotal		\$0.00	\$43.50
Grand Total	\$43.50		

May 7, 2016

Exhibit "C"

TABULATION

Tabulation Network	\$4,000.00
Election Night Vendor Support	\$1,800.00
Notice of Inspection/Tabulation Test	<u>\$2,150.00</u>
Total	\$7,950.00
Number of Entities	<u>19</u>
Total	\$418.42

PROGRAMMING

Full Service Programming w/Audio	\$12,000.00
Number of Entities	<u>19</u>
Total	\$631.58

CENTRALIZED COSTS

Early Voting Ballot Board	\$1,500.00
Cost for Central Count Workers	\$750.00
FICA on Election Workers	\$4,000.00
Assemble EV Location	\$50.00
Early Voting Machines in McKinney (8)	\$1,450.00
Early Voting Personnel in McKinney	\$4,000.00
Warehouse Gas Mileage	\$1,500.00
County Overtime and Temporaries	\$30,000.00
FICA for County Employees	<u>\$1,500.00</u>
Total	\$44,750.00

Full Service Jurisdictions - 19 Entities, 433,029

Plano ISD - 195,717
City of Murphy - 11,264

45.19% of Total = \$20,222.53
.26% of Total = \$1,163.50

May 7, 2016

Exhibit "C"

SUMMARY OF COSTS FOR CITY OF MURPHY

SUPPLY COST	\$261.98
EQUIPMENT RENTAL COST	\$1,566.00
EARLY VOTING	\$2,187.00
ELECTION DAY	\$613.00
ADMINISTRATIVE EXPENSES	\$43.50
TABULATION/PROGRAMMING COSTS	\$1,050.00
CENTRALIZED COSTS	<u>\$1,163.50</u>
Total	\$6,884.98
10% Administrative Fee	<u>\$688.50</u>
Grand Total	\$7,573.48
90% Deposit due by 4/1/16	\$6,816.13

City Council Meeting
February 16, 2016

Issue

Consider and/or act upon the Code of Ordinances, Chapter 1 General Provisions; Article 1.02 City Council; Division 2 Governance Policy and Rules of Procedure.

Staff Resource/Department

James Fisher, City Manager

Summary

The City Council adopted an Ordinance in 2010 formally known as the Governance Policy and Rules of Procedure. The purpose of the Ordinance is to outline the mayor and council relations, council and staff relations, council and city attorney, engineer and municipal judge relations, council and media relations, roles and meetings. The City Council is the governing body for the city. Therefore, it must bear the initial responsibility for the integrity of governance. Pursuant to Section 3.13 of the Charter, the council shall determine its own rules of order and business. The council is responsible for its own development, its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

Action Requested

Review the Policy and determine if any changes need to be made.

Attachments

Governance Policy and Rules of Procedure

Division 2. Governance Policy and Rules of Procedure^{*}



Sec. 1.02.031 Introduction

(a) The municipal government provided by the city charter, hereinafter the “charter,” shall be known as the “council-manager form of government.” Pursuant to its provisions, and subject only to the limitations imposed by the state constitution, the statutes of this state, and by the charter, all powers of the city shall be vested in an elected council, hereinafter referred to as the “city council” or “council,” which shall enact local legislation, adopt budgets, determine policies, and appoint city officials as noted in the charter, including the city manager, who in turn shall be held responsible to the city council for the execution of the laws and the administration of the government of the city. All powers of the city shall be exercised in the manner prescribed by the charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance, the state constitution, or by the statutes of the state.

(b) The city council is the governing body for the city. Therefore, it must bear the initial responsibility for the integrity of governance. Pursuant to [section 3.13](#) of the charter, the council shall determine its own rules of order and business. The council is responsible for its own development, its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

(c) This policy addresses mayor and council relations, council and staff relations, council and city attorney, engineer and municipal judge relations, council and media relations, roles and meetings. By adopting this policy, we, as members of the city council, acknowledge our responsibility to each other, to our professional staff and to the public. This policy will be reviewed and adopted on an annual basis.

(2006 Code, sec. 2-601; Ordinance 10-11-862 adopted 11/15/10)



Sec. 1.02.032 Mission

(a) The city will provide for the health, welfare and safety for our citizens, neighbors and employees with a commitment to communicate and serve all with respect, dignity and courtesy, focusing on superior customer service. We will listen to our citizens and guests, address their needs, and provide a safe and appealing place to work, play and call home.

(b) In order to ensure proper discharge of duties for the improvement of democratic local government, members of the city council will display behavior that demonstrates independent, impartial review of all matters addressed by them, and be duly responsible to the citizens of the city and each other in their relationships.

(2006 Code, sec. 2-602; Ordinance 10-11-862 adopted 11/15/10)



Sec. 1.02.033 Information

(a) On major policy issues, the city manager shall provide briefing material to the council in advance of council consideration of the policy alternatives. Whenever possible, the management report shall be presented as a discussion item at a regular city council meeting. The policy briefing item will be placed on the next city council meeting agenda for council consideration or a work session will be scheduled.

(b) All council members should have the same information with which to make decisions. When one council member has an information request, the response will be shared with all members of the council so that each member may be equally informed.

(c) Staff should provide the city council with information on agenda items as far in advance of the meeting as possible. Staff should avoid giving information at the meeting on issues that will be considered during the meeting. In order to provide the council with timely information, please strive to submit questions

on council agenda items ahead of the meeting. City council members are encouraged to submit their questions on agenda items to the city manager as far in advance of the meeting as possible so that staff can be prepared to respond at the council meeting.

(d) The city manager shall provide operational updates to the city council informing them of the progress on projects, items of concern, city events, and financial and legal issues currently pending before the city. The update shall be by email and no less than twice a month.

(e) Confidential information.

(1) In general, a member of the city council is entitled to review and inspect all records of the city, including confidential information, in their official capacity. A city council member acts in his or her "official capacity" in performing the duties and exercising the powers of the office of a city council member as contained and enumerated in the city charter, [section 3.07](#), under the laws of the state, as this term is defined in V.T.C.A. Civil Practices and Remedies Code, sec. 101.053(a), and under other applicable law. If the records contain confidential information, such as certified agendas or tape recordings of closed meetings, then the city council member will not be entitled to make a copy of the information. "Confidential information" means any information that a city council member is entitled to because of his official position but otherwise is not available to the public generally without an open records request pursuant to the provisions of the Texas Public Information Act (the "Act"), V.T.C.A. Government Code, ch. 552, and/or is not available to the public under the Act. Notwithstanding the foregoing, a city council member shall not:

(A) Use his or her position to obtain confidential information about any person or entity except in his or her official capacity;

(B) Disclose any confidential information gained through the city council member's office or position concerning property, operations, policies, personnel or affairs of the city;

(C) Use such confidential information to advance any economic interest or personal interest of the city council member or confer any benefit to the city council member, or their family member.

(2) During an investigation conducted by the city council as authorized by the city charter or any other investigation or proceeding regarding whether there has been a violation of the city charter or code of ethics to any investigatory, administrative or judicial authority, city council members may receive or disclose confidential information.

(3) In the event that a city council member requests to review, inspect or copy any confidential information, that request shall be made to the mayor, who shall place the issue on a city council agenda for discussion and/or action of the city council.

(4) Under [section 3.07](#) of the city charter, the city council may collectively investigate matters in their official capacity; other than this procedure a city council member may not individually conduct an investigation.

(2006 Code, sec. 2-603; Ordinance 10-11-862 adopted 11/15/10; Ordinance 12-03-908, sec. 2, adopted 3/6/12)



Sec. 1.02.034 Roles

(a) The mayor shall preside at meetings of the council, and shall be recognized as head of city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. The mayor may participate in the discussion of all matters coming before the council. The mayor shall be entitled to vote as a member thereof on legislative or other matters, unless prohibited by law, and shall have no power of veto.

(b) The council shall elect from among the council members a mayor pro tempore who shall act as mayor during the absence or disability of the mayor. The council shall elect from among the council members a deputy mayor pro tempore who shall act as mayor pro tempore during the absence or disability of the mayor pro tempore.

(c) As head of city government for ceremonial purposes, the mayor may issue and present proclamations and recognitions, and attend other ceremonial functions on behalf of the city. Council members may initiate, through the mayor or by a majority vote of the council, similar items of recognition. Major community events sponsored by the city shall be a policy decision of the council.

(d) The mayor shall preserve order and decorum and shall require council members engaged in debate to limit discussion to the question under consideration.

(e) The mayor is the spokesperson for the council on all official positions taken unless absent, at which time the mayor pro tem or the deputy mayor pro tem will assume the role.

(f) The mayor will encourage all council members to participate in council discussion and make sure all positions are adequately presented before an item is brought to vote.

(g) The mayor may appoint a subcommittee made up of council members and staff to evaluate policy alternatives and to recommend policy direction to the full council. Subcommittee reports shall be made under the standard item for such reports at work sessions and regular meetings. Council deliberation on the subcommittee recommendations shall occur at regular sessions.

(2006 Code, sec. 2-604; Ordinance 10-11-862 adopted 11/15/10)

Charter reference—Mayor, mayor pro tem and deputy mayor pro tem, [sec. 3.05](#).



Sec. 1.02.035 Meetings

(a) Regular meetings. The council shall meet regularly at such times as prescribed by the charter, but no less frequently than once each month, and the regular meetings will begin at 6:00 p.m., unless postponed or canceled for valid reason(s). Regular meetings will be open to the public in accordance with the Texas Open Meetings Act.

(b) Special meetings. Special meetings may be held on any day of the week to consider items that require action prior to the next regularly scheduled meeting and may be called upon the request of the mayor or city manager. Special meetings will be open to the public in accordance with the Texas Open Meetings Act.

(c) Work sessions. Work sessions will be held as needed and used to allow the city council to discuss policy or budgetary items. Work sessions will be open to the public in accordance with the Texas Open Meetings Act.

(d) Executive sessions. The city council may meet in executive session in compliance with the Texas Open Meetings Act. A final action, decision or vote on a matter deliberated in an executive session will be made in an open meeting for which proper notice is provided. All discussions in executive session shall remain confidential. Executive sessions are not open to the public in accordance with the Texas Open Meetings Act.

(e) Public notice. The agenda for all regular meetings, special meetings, work sessions, and executive sessions and the notice listing items to be considered shall be posted on the city's official bulletin board and web page in accordance with the Texas Open Meetings Act, at least 72 hours prior to the posted meeting.

(f) Attendance. Council members are expected to attend all meetings and stay in attendance during each meeting. No member shall leave a meeting without advising the presiding officer.

(g) Punctuality and recess. Members of the city council shall arrive at meetings at or before the scheduled time for the meeting to begin. At the beginning of each meeting, the chair shall announce those members absent and shall announce the arrival time of any member arriving after the beginning of any meeting. The chair may at any time, upon their own motion, or upon the request of a council member, declare a recess in the meeting. The time limit of the recess shall be strictly followed.

(h) Conflict of interest. A council member prevented from voting due to a conflict of interest shall leave the dais during the debate, shall not vote on the matter, and shall otherwise comply with the state law and the charter and ordinances concerning conflicts of interest. Any council member filing a conflict of interest affidavit on an executive session item shall not confer with staff, the city attorney, council members or the mayor regarding that matter.

(i) City council members.

(1) During city council meetings and work sessions, council members shall assist in preserving order and decorum and shall neither by conversation or otherwise delay or interrupt the proceedings nor refuse to obey the rules of the city council.

(2) A council member shall confine discussion to the question under debate, avoid the discussion of personalities and the use of inappropriate language, and refrain from personal attacks or from publicly criticizing a citizen, an individual employee or an operational issue. Criticism is differentiated from questioning facts or the opinion of staff.

(3) When there is more than one speaker from the floor on the same subject, council members shall delay their comments until after all speakers on the subject have been heard.

(4) The chair shall state all questions submitted for a vote and announce the result.

(5) The professional staff is expected to provide its best recommendations on issues, and provide information about alternatives to staff recommendations as appropriate, as well as pros and cons for recommendations and alternatives. Sometimes staff may make recommendations that may be unpopular with the public and council members. Staff respects the role of the council as policy makers for the city and understands that the council must consider a variety of opinions and community values in their decision-making in addition to staff recommendations.

(j) Administrative staff.

(1) Members of the administrative staff and employees of the city shall observe the same rules and decorum applicable to members of the city council.

(2) Although the presiding officer has the authority to preserve decorum in meetings, the city manager also is responsible for the orderly conduct and decorum of all city employees under the city manager's direction and control.

(3) The city manager shall take such disciplinary action as may be necessary to ensure that decorum is preserved at all times by city employees in meetings.

(4) All persons addressing the city council, including the city manager, shall be recognized by the presiding officer and shall limit remarks to the matter under discussion.

(5) All remarks and questions addressed to the city council shall be addressed to the city council as a whole and not to any individual member.

(k) Citizens and visitors.

(1) Citizens and visitors are welcome and encouraged to attend all public meetings of the city and will be admitted to the chamber or meeting room up to the fire safety capacity of the room.

- (2) Everyone attending the meeting will refrain from private conversations and turn mobile phones to vibrate while the city council is in session.
- (3) Citizens and visitors attending city council meetings and work sessions shall observe the same rules of propriety, decorum and good conduct applicable to members of the city council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the city council or while attending the meeting or work session shall be removed from the room if so directed by the presiding officer. The person shall be barred from further audience before the city council during that session. If the presiding officer fails to act, any member of the council may move to require enforcement of the rules, and the affirmative vote of a majority of the council shall require the presiding officer to act.
- (4) Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer, who may direct the removal of offenders from the room. In case the presiding officer shall fail to act, any member of the council may move to require enforcement of the rules and the affirmative vote of the majority of the council shall require the presiding officer to act.
- (5) No placards, banners, or signs will be permitted in the city council chamber or in any other room in which the council is meeting. Exhibits, displays and visual aids used in connection with presentations, however, are permitted. Video presentations requested by a citizen or visitor as visual aids will not be broadcast over any city public access cable channel.
- (6) The city manager shall act as sergeant-at-arms for the city council and shall furnish whatever assistance is needed to enforce the rules of the city council.

(l) Agenda.

- (1) The mayor and/or city manager shall set the agenda. Any council member may request an item be placed on a future agenda. The requested agenda item shall be included on an agenda no later than the second regularly scheduled meeting (approximately 30 days) after receiving the request unless otherwise agreed upon by the city council.
- (2) The "consent agenda" consists of operational items and previously discussed items that do not require deliberation by the council.
- (3) Any council member may remove an item from the consent agenda for separate discussion and consideration of action.
- (4) Any item may be deferred or postponed to a later date by the mayor if there is no objection. If a member of city council objects, a majority vote of the council is required to defer or postpone the item.
- (5) The city manager may remove an item from the consent agenda items by providing notice to the city council prior to the convening of the meeting. The chair shall announce the removal of an item from the consent agenda prior to requesting a motion.

(m) Speakers.

- (1) A person wishing to address the city council must first complete an appearance card and register it with the city secretary, before addressing the council. The following information must be provided on the card: name, residence address, daytime telephone number, and the subject matter to be addressed by providing the agenda item number. The council welcomes public comments and understands that the speaker might not have been expecting to address the council; however, procedure must be followed before addressing the council. Appearance cards will be available at the chamber entrance and at the public podium.
- (2) Speakers must address their comments to the presiding officer rather than to individual

council members or staff.

(3) Speakers must keep their remarks specific to the item being considered by the city council. If the speaker is addressing the city council under the "public comments" section, the speaker may address any item not slated for discussion on the agenda.

(4) Murphy citizens will be allowed to speak before nonresidents.

(5) A person who registers to speak on a public hearing item or during the public comment section will be called on at that time.

(6) All speakers will have an opportunity to address the council. All speakers will be asked to keep comments to a reasonable amount of time as determined by the chair, usually less than five minutes, depending on the number of speakers waiting to address the city council. A majority vote of the city council can force the chair to end the speaker's comments or allow additional time.

(7) For called public hearings, the applicant will be allowed a specific amount of time to make a presentation.

(8) In accordance with the Texas Open Meetings Act, the city council will not discuss or consider any item addressed during the public comment section. Council members shall limit their response to public comment to a statement of specific factual information given in response to the inquiry or comment, or a recitation of existing policy in response to the inquiry or comment. Any deliberation of or decision about the subject of the public inquiry or comment shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

(9) Whenever it is necessary for a speaker to use an interpreter to translate comments to the city council, the time required for the translation will not be counted against the designated time allotted for the speaker to address the city council.

(n) Motions.

(1) The city council may discuss an agenda item prior to a motion being made. This allows a motion to be crafted that will incorporate the issues discussed.

(2) A motion made and seconded will be considered the main motion. Any council member may make a motion to amend a motion. The amendment must receive a second before it may be discussed and must be voted on prior to voting on the main motion.

(3) A motion may be withdrawn or modified by its mover without asking permission until the motion is voted upon. If the mover modified the motion, the council member who seconded the motion may withdraw the second.

(4) A motion to reconsider any action of the city council must be made no later than prior to the conclusion of the next regularly scheduled meeting of the city council. Such a motion may only be made by a council member who voted with the prevailing side. The motion to reconsider may be seconded by any member. No question shall be twice reconsidered except by unanimous vote of the city council, except that action relating to any contract may be reconsidered at any time before the final execution thereof.

(A) If a motion to reconsider is made at the same meeting at which the matter was acted upon, the motion may be heard and voted upon and the original action on the matter is set aside. Deliberation may then resume on the matter at that same meeting.

(B) If a motion to reconsider is made at the next meeting after the matter was acted upon, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter, but it shall be

placed on the next available agenda for deliberation.

(C) If a motion to reconsider a zoning ordinance is made after the closing of the public hearing and action on the ordinance, the motion to reconsider may be heard and voted upon and the original action on the matter is not set aside. Deliberation may not resume on the matter until proper notice of a public hearing in accordance with state law is provided.

(5) If any two council members request that discussion cease during a work session, the mayor shall poll the council to obtain a consensus to continue or cease discussion.

(o) Suspension of rules. Any provision of these rules not governed by the city charter, the city code, or state or federal law may be temporarily suspended by a majority vote of the members of the city council present. The vote on any such suspension shall be taken by yeas and nays and entered upon the record.

(p) Amendment of rules. These rules may be amended or new rules adopted, by a majority vote of the members of the city council.

(q) Failure to comply. A failure to comply with these rules does not invalidate any otherwise lawful act of the council.

(r) Tabling. An item under consideration may be tabled until a later point in the meeting.

(s) Postponement. An item may be postponed until a future meeting, a specific future date, or until a specific outside action occurs. Items may also be postponed indefinitely, which means the item is dead and cannot be brought back before the city council unless there is a change.

(2006 Code, sec. 2-605; Ordinance 10-11-862 adopted 11/15/10)

Charter reference—Meetings of city council, [sec. 3.09](#); quorum, [sec. 3.10](#); rules of procedure, [sec. 3.13](#).

State law reference—Open meetings, V.T.C.A., Government Code, ch. 551.



Sec. 1.02.036 Access statement

(a) The city manager is responsible to maintain physical security for all city facilities. Physical security is a balancing act between allowing appropriate access and denying access that might compromise city operations. It is the desire of the city to allow the public access to the city facilities during regular business hours, and allow council members restricted access after regular business hours.

(b) Members of the city council shall be issued a city photo identification card and an electronic badge access card. After regular business hours, the access badge card may be utilized to access the lobby of the police and fire buildings, city hall second floor lobby and the first floor of city hall with the exception of the computer room and records room. A council member must be accompanied by the city manager or their designee if access to any other area after regular business hours is requested. Council members will be respectful of the demands made upon the city manager or their designee to respond to said request.

(2006 Code, sec. 2-606; Ordinance 10-11-862 adopted 11/15/10)



Sec. 1.02.037 Public contact and media relations

(a) Representative government is only successful when the citizens are kept informed and educated about the issues facing their municipality; consequently, it is imperative that the media play an important role in the council-manager-media relations. It is through an informed public that progress is ensured and good government remains sensitive to its constituents. These guidelines are designed to help ensure positive relationships with print, radio, and television reporters. The mayor, the city council and the city

manager recognize that the news media provide an important link between the council and the public. It is the council's desire to establish a professional working relationship to help maintain a well-informed and educated citizenry.

(b) All reporters will receive an agenda in advance and will be furnished support material needed for clarification if requested.

(c) The city manager or his designee is the city's official representative to the media.

(d) The mayor or city council by a majority vote may designate an alternative media representative.

(2006 Code, sec. 2-607; Ordinance 10-11-862 adopted 11/15/10)



Sec. 1.02.038 Planning

The mayor and council are responsible for establishing a vision for the city and planning for its future.

(1) On an annual basis, the mayor, the city council and the city manager shall hold a minimum of one strategic planning session wherein they set priorities, goals and objectives. The goals and objectives shall address short-term and long-term needs, including financial, of the city.

(2) Policy direction shall be consistent with the strategic goals and objectives. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are made consistent with the long-term vision and budgetary measures.

(2006 Code, sec. 2-608; Ordinance 10-11-862 adopted 11/15/10)



Sec. 1.02.039 Council/staff relations

(a) The city has a council-manager form of government. Basically, with this structure, the city council's role is to establish city policies and priorities. The council appoints a city manager to implement those policies and undertake the administration of the organization. The city manager is appointed by the city council to enforce its laws, to direct the daily operations of city government, to prepare and monitor the annual budget, and to implement the policies and programs initiated by the city council. The city manager is responsible to the city council, rather than to individual council members, and directs and coordinates the various departments. The city manager is responsible for appointing all department directors, except as provided by the charter, and authorizing all other personnel positions. The city council authorizes positions through the budget process; based upon that authorization, the city manager makes the appointments.

(b) The city council shall direct comments, correspondence and concerns about city operations to the city manager's office. Citizens' concerns, comments and correspondence regarding city operations received by council members shall be forwarded to the city manager for appropriate staff action and a timely response.

(c) The city council may inquire of the city manager about the conduct of any office, department or agency of the city and make investigations as to municipal affairs, per the city charter. In no manner, either directly or indirectly, shall a council member become involved in, or attempt to influence, personnel matters that are under the direction of the city manager. Nor shall the city council be involved in, or influence, the purchase of any supplies beyond the requirements of the city purchasing procedures. Notwithstanding the foregoing, any member of the city council, may, prior to or during a meeting, make inquiry to a department head on an agenda item posted for the next council meeting. The council member will carbon copy (cc) the city manager on any email communication to a staff member.

(d) Documents provided to one council member shall also be distributed to all other members of the council. The city manager shall prepare and submit to the council prior to the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year. The city

manager shall keep the council advised of the financial condition and future needs of the city and make such recommendations that may seem desirable.

(e) In order to ensure proper presentation of agenda items by staff, questions arising from council members after receiving their information packet should be, whenever possible, presented to the city manager or the manager's designated assistants for staff consideration prior to the council meeting. This allows staff the time to address the council members' concerns and provide all council members with the additional information.

(f) Seeking political support from staff is not appropriate. The city is a nonpartisan local government. Neither the city manager nor any other person in the employ of the city shall take part in securing or contributing any money toward the nomination or election of any candidate for a municipal office. In addition, some professionals have professional codes of ethics, which preclude politically partisan activities or activities that give the appearance of political partisanship.

(2006 Code, sec. 2-609; Ordinance 10-11-862 adopted 11/15/10)

Charter reference—Investigations by city council, [sec. 3.17](#).



Sec. 1.02.040 Council relations with city attorney

(a) The city attorney is appointed by the city council. The city attorney is the legal advisor for the council, its committees, commissions and boards, the city manager, and all city officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to the affairs of the city.

(b) The general legal responsibilities of the city attorney are to:

- (1) Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
- (2) Represent the city's interest, as determined by the city council, in litigation, administrative hearings, negotiations, and similar proceedings;
- (3) Prepare or approve as to form ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes and intentions of the city council; and
- (4) Keep the city council and staff apprised of court rulings and legislation affecting the legal interest of the city.

(c) No council member shall request or direct the city attorney to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study, without the consent of a majority of the council. The city attorney shall determine whether or not a matter is significant. The city manager shall be informed of any project, study, opinion or report prepared by the city attorney as requested by the city council. The city manager shall not prevent council members from communication with the city attorney.

(d) It is important to note that the city attorney does not represent individual members of the council, boards, commissions or employees, but rather the city as a whole.

(2006 Code, sec. 2-610; Ordinance 10-11-862 adopted 11/15/10)

Charter reference—City attorney, [sec. 4.04](#).



Sec. 1.02.041 Staff and council relations with boards, commission and committees

(a) Staff support and assistance may be provided to advisory boards, commissions, and committees. Advisory bodies, however, do not have supervisory authority over city employees. While staff may work

closely with advisory bodies, staff members remain responsible to their immediate supervisors and, ultimately, the city manager. The members of the commissions, boards, or committees are responsible for the functions of the advisory body. The chairperson is responsible for committee compliance with the municipal code and/or bylaws. Staff members are to assist the advisory boards to ensure appropriate compliance with ordinances, the charter, and state and local laws and regulations.

(b) Staff support includes: (i) preparation of an agenda; (ii) preparation of reports providing a brief background of the issues, a list of alternatives, recommendations, and appropriate backup materials, if necessary; and (iii) preparation of minutes of advisory body meetings. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. It is important to note that city staff seeks to not influence boards, commissions and committees, but provide objective information to help the boards, commissions and committees in their decision-making process. Staff should provide information on options considered along with a summary of pros and cons of each option. Any prior direction by the city council on a particular issue should be provided by staff to any board, commission or committee considering the issue.

(c) The role of the city's boards, commissions and committees is to perform the specific functions established in state statutes, city ordinances, resolutions, or minute orders as applicable and to advise the city council about the topics assigned.

(d) If a city council member should attend a meeting of a board, commission or committee, the member shall not take part in the meeting nor address the board in any manner whether by questions or statements. A city council member shall not attempt to influence the decisions of boards, commissions and committees, either directly or indirectly, nor express an opinion to a board, commission or committee about its actions unless at a city council meeting. Boards that require a city council member to be a member of that board are exempt from this policy provision.

(e) All instructions to boards, commissions and committees by the city council shall be in writing.

(2006 Code, sec. 2-611; Ordinance 10-11-862 adopted 11/15/10)

Charter reference—Boards and commissions, [art. VIII](#).



Sec. 1.02.042 Violations and sanctions

(a) Any city council member who violates this division may be subject to sanctions imposed pursuant to [section 2.06.017](#) of the Code of Ordinances of the city.

(b) The following sanctions, as similarly set out in [section 2.06.017](#) of the code of ethics, may be imposed for violations of this division:

(1) A letter of notification is an appropriate sanction when the violation is clearly unintentional, or when the conduct of the person complained against was done in reliance upon an opinion of the city attorney.

(2) A letter of admonition is the appropriate sanction when the ethics review commission ("commission") finds the violation is minor and/or may have been unintentional, but calls for a more substantial response than a letter of notification.

(3) A letter of reprimand is the appropriate sanction when the commission finds a serious violation has been committed intentionally or knowingly or through disregard of this ordinance.

(4) A letter of censure is the appropriate sanction when the commission finds that a serious violation has occurred and/or more than one serious violation or repeated serious violations of this division have been committed by a city official.

(5) Copies of all sanction letters issued by the commission under this section shall be sent to

the city council.

(2006 Code, sec. 2-612; Ordinance 12-03-908, sec. 2, adopted 3/6/12)

APPENDIX

From the League of Kansas Municipalities

These tips are non-binding and not policies, but are good starting points for a successful council-manager form of government.

Tips for Successful Public Service

- * Learn all you can about your city, its operation, its financing. Do your homework. Know your city ordinances.
- * Devote sufficient time to your job and to studying the present and future problems of your community.
- * Don't burn yourself out on the little things. Save some energy for the important matters.
- * Don't act as a committee of one. Governing a city requires a team effort - practically and legally.
- * Don't let honest differences of opinion degenerate into personality conflicts.
- * Remember that you represent all the people of your community, not just neighbors and friends.
- * Take your budget preparation job seriously. It determines what your city does or doesn't do for the coming year and will influence decisions and actions in future years as well. The budget is the most important policy development tool available to govern a city.
- * Establish policy statements. Written policy statements let the public and the city staff know where they stand. They help the city council govern, and writing them provides a process to develop consensus. "That's the way it's always been done" is not good enough either to stay out of trouble or to get things done.
- * Make decisions on the basis of public policy and be consistent. Treat similar situations similarly.
- * Don't be stampeded into action. Don't be misled by the strong demands of special interest groups who want it done now, their way. Your job is to find the long-term public interest of the community as a whole, and you may be hearing from the wrong people.
- * Don't be afraid of change. Don't be content just to follow the routine of your predecessors. Charge your appointed officers and their employees with being responsible for new ideas and better ways. Listen to what they have to say.
- * Don't give quick answers when you're not sure of the real answer. It may be embarrassing to appear ignorant, but it can be more embarrassing and damaging to tell a person something that is wrong.
- * As an individual, even if you're the mayor, don't make promises you can't deliver! Most decisions and actions require approval of the city council, and that takes a majority vote.
- * Don't spring surprises on your fellow council members or your city staff, especially at formal meetings. If a matter is worth bringing up for discussion, it is worth being on the agenda. While

surprises may get you some publicity, at the embarrassment of others, they tend to erode the “team” approach to governance.

- * Retain competent key employees. Pay them well. Trust their professional judgment and recognize their responsibilities.
- * Don't bypass the system! You have a city manager. Council members should stick to policy-making and avoid personal involvement in the day-to-day operations of the city.
- * Don't let others bypass your system - insist that people such as vendors or service providers first work with your city staff. If direct contact with council members is advisable, this should be with the council as a whole, not on a one-to-one basis.
- * Learn to evaluate recommendations and alternative courses of action. Request your staff to provide options. Encourage imaginative solutions.
- * Be concerned with the long-term future to avoid unnecessary expense and delay and to avoid taking short-term gains at the expense of long-term losses.
- * Balance personal rights and property interests. Balance the possible harm to a few versus the good of the many.
- * Be concerned with the total development (physical, economic, social) of your community.
- * Visit other cities, particularly those with a reputation of being well run. Get to know the officials of neighboring and similarly sized cities.
- * Don't act as if the city operates in a vacuum. Cities must work within the intergovernmental system to be effective. Keep in contact and cooperate with your federal, state, county, and school officials.
- * Keep your constituents informed, by such means as a weekly “open letter” in the local newspaper, radio interviews, or news releases. Be friendly and deal effectively with the news media. Lack of good communications is one of the big problems of cities.
- * Remember that what you say, privately and publicly, will often be news. Avoid overpublicizing minor problems.
- * Appoint citizen advisory committees when you need them, but be prepared to follow their advice if you use them.
- * Have some goals and objectives. What do you want to accomplish this year? Next year? What do you want the city to accomplish this year? During the next five years?
- * Be a leader as well as part of the team of elected and appointed officials who were selected to make your city an even better place to live.
- * Having a practice of “no surprises” between the council and staff, and vice versa, fosters a productive working relationship.

(2006 Code, sec. 2-611; Ordinance 10-11-862 adopted 11/15/10)

City Council Meeting
February 16, 2016

Issue

Discuss the Draft FY 2015 Comprehensive Financial Report.

Staff Resource/Department

Linda Truitt - Finance

Financial Considerations

N/A

Summary

Staff is presenting a copy of the draft FY 2015 (October 2014 through September 2015) Comprehensive Financial Report for council review. The final report will be presented to council on March 1, 2016 with John Manning of Pattillo, Brown and Hill L.L.P. in attendance to answer questions.

The draft report will be sent to council under separate cover. Please review and submit any questions/comments to Linda or James.

Action Requested

N/A

Attachments

N/A