



City of Big Spring

PERSONNEL POLICIES

Revised December 2, 2024

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INFORMATION CONTAINED IN PREVIOUS PERSONNEL POLICIES
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THESE POLICIES ARE NOT A CONTRACT OR GUARANTEE OF ANY POLICY,
BENEFIT, OR PROGRAM REFERENCED HEREIN.

**PERSONNEL POLICIES OF THE CITY OF BIG SPRING
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PERSONNEL POLICIES

CHAPTER I

Introduction

Section 1 – Objectives

These policies are designed to bring to the City of Big Spring a service of a high degree of understanding, cooperation, efficiency, and unity through systematic, uniform application of modern personnel practices. Objectives of the City personnel management system, which includes these policies, are:

- A. To promote and increase productivity, efficiency, responsiveness to the public, and economy in the City service;
- B. To provide fair and equal opportunity for qualified persons to enter and progress in the City service in a manner based on merit and fitness as ascertained through fair and practical personnel management methods;
- C. To maintain recruitment, advancement, and tenure practices enhancing the attractiveness of a City career and encouraging each employee to give his/her best effort to the job and the public;
- D. To develop and maintain consistent, up-to-date position classification and compensation plans;
- E. To develop high morale among City employees for fostering good working relationships and by providing uniform personnel policies, opportunity for advancement, and consideration of employee needs and desires;
- F. To retain employees on the basis of the adequacy of their performance, correct inadequate performance, and separate employees whose inadequate performance cannot be corrected; and
- G. To assure that employees are protected against coercion for partisan political purposes and are prohibited from using their positions with the City for the purpose of interfering with or affecting the results of any kind of official election.

Section 2 – Equal Employment Opportunity Policy

The City of Big Spring does not discriminate in employment on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, sexual orientation, transgender status, marital status, disability, genetic information, age, or membership in an employee organization.

Any employee who feels he/she has been improperly discriminated against may appeal in accordance with the procedures specified in Chapter XI.

Affirmative Action Plan

An affirmative action plan shall be developed and maintained to foster equal employment opportunity in the City service.

Affirmative action is a management responsibility to take necessary steps to eliminate the effects of past and present job discrimination, intended or unintended, which is evident from an analysis of employment practices and policies.

The Human Resources Director is the designated person with the executive authority responsible for the implementation of this affirmative action plan. Policy information on affirmative action and equal employment opportunity shall be disseminated through employee meetings, bulletin boards, and any newsletters prepared by this agency.

Section 3-Applicability

These rules apply to all City employees except where inconsistent with statute, charter, or ordinance.

Section 4 – Dissemination

All City employees shall be informed of the existence of these policies, and each department shall keep at least one copy available for reference by its employees. These policies as approved and amended by the City Council shall be the official personnel policies of the City.

Section 5 – Division of Responsibility

With the exception of matters reserved to the City Council, the general and final authority for personnel management rests with the City Manager, who may delegate authority as necessary and proper.

The Personnel Director is delegated the authority for recommending, and interpreting personnel policies and procedures as they apply to all departments and employees, subject to discretionary review and approval by the City Manager. The Personnel Director shall advise management in all areas of personnel administration, including but not limited to employee-management relations, training and career development, and employee health, safety, and morale.

Department heads and supervisory personnel are responsible for enforcing the provisions of these policies and for cooperating with the Personnel Director on all related matters pertinent to their organizational units. Department heads may adopt supplemental personnel policies, procedures, and work rules not in conflict with these City-wide policies.

The City shall make every effort to thoroughly acquaint employees with the materials in these personnel policies and any subsequent revisions. Employees are encouraged to submit suggestions for changes and improvements in personnel policies and procedures.

Section 6 – Reasonable Accommodations

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

The City will provide reasonable accommodation to the known physical (including the effects of a pregnancy or childbirth) or mental impairments of an otherwise qualified individual with a disability if such reasonable accommodation will enable the individual to perform the essential functions of the position at issue. The City's obligation under this policy is limited to providing reasonable accommodations that will not result in undue hardship to the City. The City will follow State law regarding accommodating pregnant Police Officers.

Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by the City of Big Spring Human Resources office.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor, Human Resources, the City Manager or designee.

Section 7 – Modified Duty Assignments

The City may modify duty assignments available to ill or injured employees who are temporarily unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion. A modified duty assignment may be in the employee's own or another

department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may (1) lose the modified duty assignment, (2) be returned to leave status the employee had prior to obtaining the modified duty assignment, and (3) in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond thirty (30) calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director and Director of Human Resources to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within the time limit established for modified duty must re-qualify for modified duty through evaluation by the treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) or vacation benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick Leave policy and salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the City's Family Medical Leave Act policy.

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through the Director of Human Resources. The Director of Human Resources will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a release from the physician to return to work, including any accommodation(s) that may be required, and coordinate the return through the Director of Human Resources.

PERSONNEL POLICIES
CHAPTER II
Method of Filling Vacancies

Section 1 – Vacancy Identification

Department heads shall notify the Personnel Director when vacancies occur or are imminent in the manner prescribed by the Personnel Director.

Section 2 – Announcement of Vacancies

The Personnel Director shall publicly announce by appropriate means all vacancies to be filled in the City service by other than demotion, transfer, temporary promotion, or reinstatement and shall maintain a list of current announced vacancies for public inspection.

Each job announcement, insofar as practicable, shall specify the title, salary, and nature of the job; the required minimum qualifications; whether competition is open to the general public or restricted to City employees; the type of selection procedure to be utilized; and the deadline for and method of application. Each announcement shall contain a statement confirming the City commitment of a policy of equal employment opportunity and nondiscrimination with respect to handicap status.

Section 3 – Promotion Policy

A promotion is the assignment of an employee from a position in one class to a position in another class having a higher maximum salary.

It is City policy to promote from within the service whenever possible. Applications for any particular job may be limited to qualified City employees. Opportunities for promotion across organizational line shall be maximized.

Section 4 – Temporary Promotions

The City Manager may authorize a temporary promotion to ensure the proper performance of City functions if a position is vacant or its regular incumbent is absent. Employees given temporary promotions shall be compensated in accordance with Section 2b of Chapter VII of these policies.

Temporary promotions shall not be used to circumvent normal selection procedures. The employees involved shall not acquire any status or rights in the classes to which temporarily promoted except as provided above. Nothing in these rules shall be continued to prevent the temporary or intermittent

assignment of some higher-level duties to an employee without additional compensation. Additional compensation shall be paid only in cases of formal temporary promotion effected in accordance with this section.

Section 5 – Transfers

A transfer is an assignment of an employee from one position to another, not involving promotion or demotion. A transfer may occur for administrative convenience or upon the request of the employee. Transfers may be made administratively or in conjunction with an announced selection process.

Inter-departmental transfers within the same class may be approved by the department head. Interdepartmental transfers between classes must be approved by the affected department heads and the Personnel Director. Approval to transfer shall signify certification that the employee is qualified to perform the duties of the position to which the transfer is contemplated.

Section 6 – Non-disciplinary Demotions

A demotion is the assignment of an employee from a position in one class to a position in another class having a lower maximum salary. With the approval of the City Manager and if the employee is qualified to perform the duties of the lower level position, an employee may be administratively demoted at his/her own request or as an alternative to being laid off. Demotions of this nature shall not be considered disciplinary actions or disqualify the employees involved from consideration for later advancement. Demotions effected as alternatives to layoffs may be fully or partially rescinded at any time.

Section 7 – Applications

Applications for employment, promotion, transfer, reinstatement, and other personnel actions shall be submitted as prescribed by the Personnel Director. Only applications officially received in the prescribed manner shall be considered. Information submitted in connection with applications for City employment is subject to verification. The Personnel Director may require supplemental information relevant to an applicant's qualifications as appropriate.

Section 8 – Evaluation

The Personnel Director shall determine the most appropriate means of evaluating applications against job qualified applicants. Interviews, medical examination, background checks, performance tests, written tests, and/or other **job-related** screening procedures may be used as appropriate. Applicants shall be required to provide any job-related information and undergo any job-related examinations necessary to

demonstrate compliance with prescribed minimum qualification requirements for the positions involved.

Section 9 – Disqualification

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

- A. Does not possess the qualifications necessary for performance of the duties of the position involved;
- B. Has made a false statement of material fact on the application form or supplements;
- C. Has committed or attempted to commit a fraudulent act on any stage of the selection process;
- D. Is an alien not legally permitted to work;
- E. Is below the minimum employable age prescribed by law; or
- F. Has established an unsatisfactory employment record of such nature as to demonstrate unsuitability for the position for which he/she has applied.
- G. An applicant may be disqualified from consideration upon other reasonable grounds relating to job requirements.

Section 10 – Referral and Selection

The Personnel Director shall develop standard operating procedures for referral of applicants to departments for final selection. The procedures shall provide for selecting officials to report the disposition of all referred applications and the reasons, therefore.

PERSONNEL POLICIES

CHAPTER III

Appointment

Section 1 – Basis

Appointments shall be made based on the qualifications of applicants as ascertained through fair and practical selection methods.

Section 2 – Type

Appointments shall be designated permanent or temporary. Permanent appointments shall ordinarily be of indefinite duration and may be made to full-time or part-time positions. All permanent appointments are subject to the policies covering probation.

Temporary appointments may be made to full-time or part-time positions requiring continuous, seasonal or intermittent performance.

Section 3 – Emergency Temporary Appointments

Whenever an emergency exists which requires the services of personnel who are not otherwise available, such personnel may be immediately appointed for a period not to exceed 30 working days without regard to normal recruitment and selection requirements. Emergency temporary appointments shall not be renewable.

Section 4 – Nepotism (Employment of Relatives)

Nepotism is the showing of favoritism toward a relative. The City forbids nepotism in hiring personnel or awarding contracts.

Neither a sitting mayor or member of the City Council or a member of the immediate family of a sitting mayor, member of the City Council or the City Manager may be appointed to serve or to be employed in any paid position in any department of the City.

Under no circumstances will any person be employed in any position in which he or she may directly or indirectly supervise or be supervised by a member of his or her immediate family.

For purposes of this policy, the immediate family includes:

- A. Spouse, parent, stepparent, parent-in-law, child, stepchild, brother, sister, stepbrother, stepsister, brother-in-law, sister-in-law, aunt, uncle, grandparent, grandchild, first cousin.
- B. Significant others living in the same household as the employee.

Relatives employed in positions that violate this policy prior to the first implementation of a nepotism policy by the City (1993) are exempt from this policy. In the event of a marriage between two City employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the City for which he or she is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.

This policy applies to all full-time, part-time, and temporary seasonal employees of the City. The City Manager may apply the nepotism prohibition in the case of other organizational and/or personal relationships when failure to do so would be detrimental to the City.

Section 5 – Residence

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

Section 6 – Medical Examinations

A person selected for initial appointment or reinstatement to certain job classifications as designated by the City Manager shall undergo a medical examination at City expense in a manner prescribed by the Personnel Director. Employment shall be contingent upon successful completion of the medical examination in relation to the standards of fitness required for the position involved.

The City Manager shall be the final authority in determining medical suitability for employment based on information provided by medical personnel. The City Manager may waive or modify the medical examination requirement for any or all part-time positions or for reinstatements following short breaks in service. With the approval of the City Manager, a department head may require that a current employee successfully undergo a medical examination to determine fitness for continued employment or for

promotion or other personnel action.

Section 7- Driving Records

Rev. 6-10-86 In accordance with State Law and safe driving practices the City of Big Spring requires all drivers of City vehicles to maintain a driving record that meets City approval and standards. Failure to meet these standards will result in dismissal for current driving employees and denial of employment to prospective driving employees.

The City shall determine acceptability prior to the hiring of an applicant and shall annually check current drivers to assure all records meet the required standards for continued employment.

The guidelines listed below will be used in evaluating the driving records of both current driving employee and applicants of driving positions. A point value will be given to each incident with a total grading point system used to make an analysis and final decision in each driver’s case.

A. NUMBER OF AT FAULT ACCIDENTS (within last 3 years)

| | POINTS |
|-------------|---------------|
| NONE | 0 |
| 1 | 1 |
| 2 | 2 |
| 3 | 5 |

B. MAJOR MOVING VIOLATION CONVICTIONS POINT (within last 3 years)

| | |
|--|---------------|
| Hit & run, leaving the scene of accident | 6 each |
| Driving under the influence of alcohol & drugs | 6 each |
| Any felony, homicide or manslaughter involving use of motor vehicle | 6 each |
| Racing or excessive speed (20 mph over limit) | 4 each |
| Reckless, negligent or careless driving | 4 each |
| License suspension or revocation | 3 each |
| Speeding | 2 each |

C. OTHER MOVING VIOLATIONS CONVICTIONS (Within last 3 years)

| | POINT | |
|-------------------|--------------|----------|
| None | | 0 |
| 1 or 2 | | 1 |
| 3 and over | | 1 |

TOTAL POINTS

| | |
|---------------------|---------------|
| Best | 0-2 |
| Average | 3-4 |
| Questionable | 5-6 |
| Poor | Over 6 |

Questionable risk group employees shall be counseled with and alerted to the fact that any further violations will result in their dismissal.

Poor risk group employees will be dismissed from service and marked not eligible for rehire until such time their driving records, once again, meet City standards.

Questionable risk group applications may be considered for employment with the understanding that any further violations will result in dismissal. Poor risk group applicants will not be considered for employment.

PERSONNEL POLICIES

CHAPTER IV

Probation

Section 1 – Probation Period

Every person initially appointed to the City service under a Permanent appointment shall be required to successfully complete a probationary period of six months. Every person promoted in the City service shall be required to successfully complete a probationary period of six months.

If circumstances so warrant and with the approval of the City Manager, initial or promotional probation may be extended for a specified period not to exceed additional months.

This section does not apply to firefighters.

Section 2 – Purpose

Department heads and supervisors shall use the probationary period to closely observe and evaluate the work and fitness of employees and to encourage adjustment to their jobs and the City service. Only those employees who meet acceptable standards during the probationary period shall be retained in their positions.

Section 3 – Failure of Probation

An employee shall fail probation when, in the judgment of the department head, the employee's fitness and/or quality of work are not such as to merit continuation on the job.

Failure of probation (initial or promotional) may occur at any time within the probationary period and shall not be considered part of the disciplinary process.

A promoted employee who fails probation may, at the City Manager's discretion, be returned to his/her former type of job or to any other type of job for which he/she is qualified. The employee shall be eligible for consideration for later advancement.

Department heads shall ensure documentation of all cases of failure of probation as well as counseling and other efforts to help employees during the probationary period.

Employees who fail the probationary period may appeal to the department head and then, if necessary, to the City Manager in accordance with the established appeal procedures.

PERSONNEL POLICIES
CHAPTER V
Performance Evaluation

Section 1 – Performance Evaluation Report

The work performance of each permanent employee shall be evaluated in accordance with procedures developed by the Personnel Director. Evaluations for employees on probation shall be conducted at the midpoint and upon completion of the probationary period and shall be conducted annually for other employees. Additional evaluating may be conducted annually for other employees. Additional evaluating may be conducted if requested by the department head and approved by the Personnel Director. The Personnel Director shall maintain a schedule for performance evaluations and shall send an evaluation form to the proper department head at least 10 days prior to the date each evaluation is due.

Section 2 – Purpose

The performance evaluation is designed to help supervisors and employees measure how well work is being performed and to provide a tool for management decisions regarding training, assignment, promotion, and retention of employees.

Section 3 – Counseling

Employees shall be provided copies of their performance evaluation reports. Evaluators shall individually discuss the reports with the employees and shall counsel them regarding their careers and any improvements in performance which appear desirable or necessary.

Section 4 – Reconsideration

Employees dissatisfied with their performance evaluations may seek reconsideration by using the established appeal procedures.

PERSONNEL POLICIES

CHAPTER VI

Classification

Section 1 – Plan

The Personnel Director shall prepare and administer a position classification plan based on an analysis of the characteristics of City positions. Positions shall be allocated to appropriate classes based on objective factors. The Personnel Director shall review the duties and responsibilities of City Positions when they become vacant and shall make any necessary adjustments to the classification plan. An employee may request that his/her position be reviewed for proper classification by using the established appeal procedures.

Section 2 – Official Titles

Official class titles shall be used in all personnel matters. Working or functional titles may be otherwise used as appropriate.

PERSONNEL POLICIES

CHAPTER VII

Compensation

Section 1 – Basis

The Personnel Director shall prepare and administer a comprehensive compensation plan for City employees subject to required City Manager and City Council approval.

Employees shall be paid in accordance with the compensation plan, which may include one or more salary schedules. In positioning classes on salary schedules, consideration shall be given to internal alignment; prevailing rates of pay among public and private employers; the availability of qualified applicants; the duties, responsibilities, and qualifications required of employees in the classes; and other relevant factors.

Section 2 – Administration of Range/Step Salary Schedules

Range/Step salary schedules shall be administered in accordance with the following policies:

- A. A new employee shall normally be compensated at the minimum step of the approved salary range. In exceptional circumstances, the City Manager may authorize hiring above the minimum step. If such authorization is based on general recruitment difficulties rather than on unique qualifications of the new employee, all employees in the same class shall receive any step increases necessary to ensure that they are not compensated less than the new employee.
- B. A newly promoted employee shall ordinarily be compensated at the lowest step of the approved range which would provide an increase in pay of at least five percent over that received in the previous class. On the date of promotion, the newly promoted employee receiving a pay increase shall begin a new waiting period for further increases. An employee being transferred shall ordinarily continue to receive the same salary and shall retain the same eligibility date for pay increases.
- C. Individual increases are given at the 5-year anniversary date in the increment of 2.5% of the base hourly rate for retention purposes.
- D. No employee shall be paid more than the maximum rate established for his/her class, except that an employee whose job was downgraded by reclassification or changes in the labor market through no fault of his/her own may continue to receive his/her former rate of pay until a rate on the new salary

range equals or surpasses the old rate or until the employee's job changes.

- E. An employee voluntarily or involuntarily demoted for any reason shall be compensated on a step of new range as administratively determined.
- F. A former employee reinstated in accordance with Chapter XIII of these policies shall be compensated on a step of the approved range as administratively determined.

Section 3 – Overtime

Overtime is paid time worked in excess of an employee's regularly scheduled work week. The overtime rate of pay shall be time and a half. Other considerations pertaining to overtime shall be addressed by administrative directives. Supervisors may authorize overtime based on prior approval of the City Manager. No overtime shall be paid unless approval is obtained from the City Manager or his designee. The City Manager's designee shall be all Division Directors, who in turn may assign Department Heads with the authority to grant prior approval.

Section 4 – Compensatory Time

Authorized time worked in addition to the normally scheduled work week is considered compensatory time, unless overtime is authorized. Compensatory time shall be given at the rate of time and a half. The employee must physically work more than their scheduled work week to earn compensatory time.

Section 5 – Standby Pay

When employees are required to remain in standby status, they shall be paid on a set basis as determined by the City Manager.

Section 6 – Insurance and Retirement

Eligible employees shall receive insurance and retirement benefits as prescribed in the applicable programs.

The City elects to provide health benefits coverage to its retirees and eligible dependents through the Texas Municipal League Multistate Intergovernmental Employee Benefit Pool Interlocal Agreement. The City adopts the same medical plan offered to active employees to be provided to its retirees through the Texas Municipal League Multistate Intergovernmental Employee Benefit Pool. The City authorizes the provision of retiree medical coverage at a contribution rate to be evaluated on an annual basis, adjusting

premiums based on a funding ratio.

The City recognizes and intends to grandfather retirees and their dependents enrolled prior to April 26, 2016. To qualify for medical coverage, individuals retiring after the effective date of April 26, 2016, must enroll for this coverage within thirty (30) days of retirement. Dependents of a retiree, except those grandfathered, will be eligible for coverage under the City's plan only so long as the City of Big Spring retiree is eligible.

Section 7 – Longevity Pay

All permanent employees shall accumulate longevity pay at the rate of:

| <u>Tenure</u> | <u>Amount per Year per Month</u> |
|-------------------|----------------------------------|
| 1 to 9 years | \$6 |
| 10 to 14 years | \$8 |
| 15 to 19 years | \$10 |
| 20 years and over | \$12 |

Section 8 – Dress Standards

In order to enhance and maintain a good image to the general public, City employees must maintain the highest standards of personal cleanliness and grooming and shall present a businesslike appearance during working hours. Presenting a professional appearance creates a favorable public impression for the City, promotes respect among co-workers and encourages higher working standards. Due to the many different types of jobs within the City, several different dress standards are necessary. Employees who are in doubt as to which dress applies should contact their supervisor. In times of extreme snow or ice, when a specific short-term job dictates, or when medical conditions exist, variations may be made in this policy by each department head.

All Employees:

1. Clothing appropriate to the scope of the job should be neat and well fitted. It should also be free of rips, holes and tears. Tight fitting clothing is not acceptable.
2. Clothing with inappropriate words, phrases, pictures or designs is not acceptable.
3. Body jewelry other than traditional earrings, rings and bracelets are not allowed. This includes, but is not limited to, nose rings, lip rings, body piercings or an inappropriate number of earrings.

Uniformed Employees:

Employees required to wear a uniform on the job will be furnished a uniform or provided with a uniform allowance. Uniforms must be worn during all working hours. Employees are responsible for maintaining their uniforms. Replacement of uniforms will be on an as needed basis with proper authorization from the department head. New uniforms will be issued only when an old uniform is turned in at the same time.

City uniforms are to be worn only while working for the City or in accordance with departmental instructions/policies.

Some departments will not issue uniforms until the employee successfully completes the six-month probationary period. While on probation, these employees may wear suitable work pants or jeans and appropriate work shirts or tee shirts. Shirts should not have inappropriate words, phrases or designs. Both shirts and pants should be neat and free of rips, holes and tears.

Non-Uniformed Employees:

A non-uniformed employee is one who is not provided with uniform clothing or a clothing allowance by the City. "Business Casual" is the standard of dress adopted for all non-uniformed employees.

Examples of Appropriate Clothing:

- Slacks (twill, khaki, etc.- no jeans of any type or color)
- Long or short sleeved shirts with a collar or banded collar
- Blazer or sports coat
- Sweaters or cardigans
- Knit golf shirts, polo shirts, City logo shirts
- Skirts and dresses (no more than 4 inches from the top of the knee)
- Blouses and shells
- Pant suits
- Dress footwear (leather or leather-look shoes with closed or open toes, i.e. loafers, lace-ups, pumps, **dress sandals**, boots)

Examples of Inappropriate Clothing:

- Jeans of any type or color
- Shorts

- Skorts
- Casual tee-shirts, tank tops, halter tops, off-the-shoulder blouses
- Dresses or skirts more than 4 inches from the top of the knee
- Capri pants, leggings
- Sun Dresses with narrow straps
- Provocative, low-cut, or tight-fitting attire
- Sweat suits, wind suits
- **Floppy shoes, thong sandals, rubber or vinyl sandals**
- Athletic footwear

Casual Fridays:

Non-uniformed employees will be allowed to dress casually every Friday. The above standards will apply except that employees will be allowed to wear jeans and athletic footwear. If City offices are closed on Friday, employees will be allowed to observe casual dress standards on the day before the holiday.

Please remember that even on casual days, the City is still a business and must conduct and present itself in the most professional manner possible. Any deviations from this standard may cause employees to lose the casual day privilege.

Department Dress Standards:

Some departments have uniform and clothing standards that are stricter than the standards in this policy. When this policy conflicts with a department policy, the more restrictive policy will apply. However, the department standards should be in writing as a department policy, directive or SOP.

Policy Violations:

Employees who are inappropriately dressed will be asked by their supervisor or the Personnel Director to leave the workplace until properly attired. Any employee asked to leave will not be paid for time off the job for changing clothes. Continued violations of this policy will result in disciplinary action up to and including termination.

Questions regarding the implementation or interpretation of this policy should be directed to the Personnel Director who has the authority to make a final determination regarding policy compliance. Employees should refrain from making policy interpretations to other employees about the suitability of

their attire and, instead refer their questions or concerns to their supervisor or the Personnel Director.

Section 9 – Vehicles

Employees in positions designated by the City Manager shall be provided with City vehicles or vehicle allowances.

Section 10 – Parks & Recreational Privileges

All City employees, their spouse and unmarried children living in the same household, are entitled to use Moss Lake free of charge. The Municipal Golf Course will be at a rate designated by the City Council. This privilege covers only daily entrance fee. Employees and family members are expected to comply with the rules of operation and good conduct at all times. Ineligible persons, using the privileges under the employee's name will result in the immediate loss of this benefit to the employee and his family. This privilege will expire upon termination of employment.

PERSONNEL POLICIES

CHAPTER VIII

Leave

Section 1 – Holidays

New Year's Day, Martin Luther King Jr. Day, President's Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, the day following Thanksgiving, two days at Christmas, and such other holidays as may be declared by the City Council/City Manager shall be observed as official holidays for City employees in accordance with the following policies:

Employees who work unusual schedules such as 10- or 12-hour shifts will be allowed eight hours of holiday pay if they are scheduled to work the holiday but elect to take off on the holiday. The remaining two or four hours must be made up with comp time or vacation time. Those employees who work a holiday will receive their regular pay plus eight hours of holiday pay.

- A. As many employees as possible shall be given each holiday off consistent with the maintenance of City functions.
- B. Full-time permanent employees shall be entitled to paid holidays.
- C. Part-time permanent employees and temporary employees who would normally have worked on a day of the week observed as a holiday shall be entitled to a paid holiday for the number of hours they would have worked on that day if the holiday had not occurred.
- D. Department heads shall ensure that eligible employees working unusual schedules or on shifts receive benefits for the full number of holidays.
- E. If the holiday falls on Saturday, the preceding Friday shall be observed, and if the holiday falls on Sunday, the following Monday shall be observed.
- F. An employee in a non-pay status on the holiday or on the scheduled workday immediately preceding or following shall not receive pay for the holiday.
- G. Employees desiring to observe the religious holidays coinciding with the official holidays may be given time off without pay or may be authorized to use accrued vacation leave or compensatory time.
- H. Full-time permanent employees required to work on a holiday shall be given compensatory time off at the authorized rate, except those referenced in paragraph d.

Employees regularly scheduled to work a holiday will receive pay at double time in lieu of comp time.

Firefighters may, at their option, be paid for one holiday shift (24 hours) each year. Dates for double pay – June 1, September 1, April 1, (Firefighter’s option). This will be in lieu of compensation time later for that holiday shift.

Section 2 – Vacation

Full time permanent employees shall earn time based on the following schedule:

- 1 thru 2 years earn – 40 hours per year
- 3 thru 4 years earn – 80 hours per year
- 5 thru 9 years earn – 120 hours per year
- 10 thru 14 years earn – 136 hours per year
- 15 thru 19 years earn – 144 hours per year
- 20 thru 24 years earn – 152 hours per year
- 25 or more years earn – 160 hours per year

Part time permanent employees shall earn vacation leave in proportion to time worked at the above stated schedule.

Vacation leave shall be administered according to the following policies:

- A. At the discretion of the department head, an employee may use accumulated vacation leave after six months of continuous service, provided that the employee has successfully completed the probationary period.
- B. Vacation leave shall not be earned for any time in which an employee is in time without pay status.
- C. An employee may carry over accumulated vacation leave at the end of any calendar year never to exceed each yearly category’s maximum accumulation, unless the City Manager approves a greater carryover.
- D. Employees shall be encouraged to use a substantial portion of their vacation leave each year.
 - 1. Employees shall be paid for vacation leave accumulated in accordance with Paragraph C, upon separation, retirement, or death of the employee only if the employee has completed one year of employment at the time of separation, retirement, or death. Employees terminated for reasons other than non-disciplinary separation shall not be paid vacation leave.
 - 2. In November of each year, an employee may sell back to the City, for cash, up to sixty-eight (68) hours of accumulated vacation leave if a 2080 employee, and ninety-six (96) hours if a

2912 employee. Payment for such accumulated leave shall be paid the week immediately preceding the Thanksgiving holiday.

- E. Department heads shall schedule or approve vacations giving due consideration to the needs of the service and the interests of the employee.
- F. Vacation leave shall be charged only for time during which the employee would ordinarily have worked.
- G. Employees being transferred, promoted, or demoted shall retain accrued vacation leave.
- H. Official holidays occurring during a vacation shall not be charged to vacation leave.
- I. Vacation leave day increments with the approval of the department head.
- J. Vacation leave shall not be advanced to employees except in unusual circumstances with the approval of the City Manager.
- K. Vacation leave credits are not transferable between employees.

The above provision will become effective for all employees hired after October 1, 1987. Civil Service employees under Chapter 143 of the Texas Local Government code shall earn time based on the following schedule:

- 0 through 9 years – 180 hours per year
- 10 through 14 years earn – 196 hours per year
- 15 through 19 years earn – 204 hours per year
- 20 through 24 years earn 212 hours per year
- 25 years or more earn – 220 hours per years

Section 3 – Sick Leave

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

- A. A full-time employee shall earn time based on the following schedule:

- 1 thru 2 years earn – 5 days per year
- 3 thru 4 years earn – 10 days per year
- 5 thru 9 years earn – 12 days per year
- 10 years & up earn – 15 days per year

Part-time employees shall earn leave in proportion to time worked at the above stated schedule.

The above provision will become effective for all employees hired after October 1, 1987, with the

exception of Firefighters. They shall earn as per 1269M. All other employees will earn time at the current 15 days per year.

The City Manager shall have the authority to advance sick leave. Advanced sick leave must be paid back from future accumulated sick time.

- A. Sick leave shall not be earned for any time in which an employee is in time without pay status.
- B. If an employee requesting sick leave does not properly notify the supervisor or Department head, he/she shall be considered absent without leave during any time away from work.
- C. Sick leave may be taken in increments of one hour of work because of personal illness, illness of a member of the immediate family resident in the employee's household, injury, legal quarantine, or routine health care appointment which cannot reasonably be scheduled outside working hours.
- D. The City may request and obtain verification surrounding any use of sick leave: an employee who takes one day of sick leave in conjunction with other time off must furnish a doctor's excuse or time will automatically be charged to vacation. An employee who uses three consecutive days of sick leave, Firefighters more than one shift, must furnish a doctor's excuse. At the supervisor's discretion, he may request a doctor's excuse for time off other than mentioned above. A doctor's excuse must come from a health care provider as defined in the Family and Medical Leave Act.
- E. Earned vacation leave may be used to supplement sick leave.
- F. Sick leave credits are not transferable between employees.
- G. Employees shall not be entitled to sick leave when absent from work for the following reasons: sickness or disability purposely inflicted or caused by willful misconduct; sickness or disability sustained during periods of leave without pay or absence without leave; or sickness or disability acquired as a result of another job.
- H. Upon separation, except by reason of layoff, all sick leave shall be canceled. If an employee returns to work with the City within three months of his/her separation sick leave that had been accumulated shall be restored.
- I. After an ill or injured employee uses all available sick leave, vacation leave, and compensatory time, the employee shall be placed on leave without pay.
- J. Five days of sick leave shall be granted for funeral leave for immediate family further defined as parents, brothers, sisters, parents-in-laws, grandparents, children, and stepchildren even if they live outside the employee's household.
- K. Employees with 10 years of service and up will earn payable sick leave but will only receive

pay if the employee retires under the Texas Municipal Retirement System with the City of Big Spring. Payable sick time at retirement may not exceed 90 days. Firefighter's sick leave shall be as per chapter 143.

L. Sick time accumulated from October 1, 1985 thru September 30, 1987 is payable and will be paid anytime the employee leaves employment. After the above cutoff date sick leave will not be paid unless provisions in the above paragraph are met.

M. Sick time taken will be charged against the following earned balances:

First – Balances earned from October 1, 1985 thru September 30, 1987. Second – Balances earned after October 1, 1987.

Third – Balances earned prior to October 1, 1985.

Sick leave taken will always be charged to payable sick balances first. Sick leave taken by Firefighters will always be charged to payable sick balance first.

N. Annually, an employee may elect to sell back a portion of their accumulated sick leave if the accumulated balance has reached a level greater than the maximum retirement benefit, as defined in paragraph m, plus an additional fifteen days. For purposes of this section, a day shall mean:

1. 12 hours – For a firefighter who works 2,912 regular hours per year
2. 8 hours – For an employee who works 2,080 hours per year.

An employee may sell up to fifteen days at a two to one ratio and up to ten additional days at a three to one ratio, based on the employee's current rate of pay. For instance, if an employee has an accumulated sick leave balance of 150 days, the employee may elect to reduce that balance by:

1. Fifteen days, which will be paid at a two for one ratio, and
2. Ten days, which will be paid at a three to one ratio.

This option is at the sole discretion of the employee. An employee may choose to participate in option (a) above and elect not to sell the additional ten days described by option (b) In no case will an employee be allowed to sell sick leave if it would reduce their sick leave balance to a level below the required balance of 105 days. Sick leave may only be sold in whole-day increments.

In determining the amount of accumulated sick leave that an employee may sell, the twenty-five day maximum will be reduced by the number of days of sick leave used by an employee in the

previous twelve-month period, beginning November 1st and ending October 31st prior to the current sell back period. For example, if an employee used two (2) days of sick leave, he/she would only be allowed to sell twenty-three (23) days of sick leave, assuming that he/she had twenty-three (23) days of accumulated sick leave in excess of the required 105 day retirement benefit plus one year accrual of an additional fifteen days. The two-day reduction would be applied to the fifteen days at the two to one ratio described in option (a) above.

However, sick leave used for funeral leave, as defined in paragraph 1, and sick leave used in accordance with the “Family Leave and Medical Act” as defined in paragraph q are exempt and will not reduce the amount of time an employee may sell.

Employees must make the election to sell excess accumulated sick leave once a year approximately two weeks prior to Thanksgiving pay week, as directed by the Human Resources Department.

O. Family Leave and Medical Act

In accordance with the Family and Medical Leave Act of 1993, an employee may be eligible to take up to twelve (12) weeks of family and medical leave during a rolling twelve (12) month period. An eligible employee is one who has worked for the City for twelve (12) months and has worked at least 1,250 hours during the twelve (12) months preceding the first date leave is to be taken. Leave can be taken for any of the following reasons:

1. Birth of a child;
2. Placement with the employee of a child for adoption or foster care (entitlement to family and medical leave expires twelve months after birth or placement);
3. When the employee is needed to care for a child, spouse, or parent who has a serious health condition; or
4. When the employee is unable to perform the essential functions of the position because of the employee’s own serious health condition.
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty, or has been notified of an impending call or order to covered active-duty status.
6. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.

Procedure

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

Employee Notification: An employee must give at least thirty (30) days’ advance notice for the need to take foreseeable family and medical leave, unless the need is unforeseeable, in which case, as much notice as is practicable should be given. A form for requesting family and medical leave is available in the Human Resources Department. If it is determined that the need for family and medical leave was foreseeable, the leave may be delayed until at least thirty (30) days after the date that the employee provides notice to the City.

Department Notification: Each department supervisor is responsible for notifying the Human Resource Department immediately when an employee is away from work for a family and medical leave qualifying event (if family and medical leave has not been approved), even if the employee is utilizing paid vacation, sick or personal leave, or is out due to a work-related injury. An employee using sick leave should be reported to the Human Resource Department if it is anticipated that the duration of the illness will be three (3) or more days, or two (2) or more shifts for Big Spring Fire Department employees, or once the employee exceeds three (3) days, or two (2) or more shifts for Big Spring Fire Department employees of sick leave use.

Human Resource Responsibility: Human Resources is responsible for central administration of all requests for family and medical leave. The Human Resource Department reserves the right to automatically place an employee on family and medical leave if it is determined that a qualifying event has occurred. The Human Resource Department may retroactively designate the beginning date of FMLA to the beginning date of the employee’s absence for the qualifying event.

Approval: An employee shall submit a request for family and medical leave through proper channels to the Department Director who will then forward it to the Human Resource Department for approval. Confidential medical information that accompanies the application can be submitted directly to the Human Resource Department.

Substitution of Paid Leave: An employee utilizing this policy for the placement of a child for adoption or foster care with the employee shall be required to exhaust all accrued vacation and any other applicable paid leave prior to going on unpaid leave. An employee utilizing this policy for the serious illness of a child, spouse or parent must exhaust all accrued personal leave, vacation leave and any other applicable paid leave prior to going on unpaid leave.

If an employee gives birth to a child, sick leave can be utilized until the employee receives a release from the doctor. After being released, the employee may use additional sick leave if permitted in accordance with the sick leave policy. Once all applicable sick leave has been used, the employee shall be required to exhaust all accrued vacation, compensatory time, holiday leave and any other accrued paid leave, prior to going on unpaid leave.

An employee utilizing this policy for the employee's own serious health condition shall exhaust all accrued sick leave, vacation leave and personal leave prior to going on unpaid leave. Once paid leave has been exhausted, unpaid leave can be used up to the twelve (12) week maximum.

If an employee is off work due to a work-related injury and the employee qualifies for family and medical leave, it will run concurrently with any paid leave. *The City reserves the right to count any paid leave that qualifies for family and medical leave toward the twelve (12) or twenty-six (26) weeks allowed under this policy.*

Maximum Time Allowed: The maximum amount of family and medical leave available is twelve (12) weeks during a twelve (12) month period even if there is more than one family and medical leave qualifying event. The only exception to the twelve (12) week maximum is the leave to provide care of an injured service member, described below, which allows for an extended FMLA leave of 26 weeks.

Medical Certification: The City requires medical certification from a health care provider to support a claim for leave to care for a seriously ill child, spouse, or parent, or for the employee's own serious health condition. Medical certifications must be returned to the Human Resource Department within fifteen (15) working days. Recertification may also be required every thirty (30) days. An employee will be notified if recertification is required. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of time the employee is needed to provide care. For the employee's own serious health condition, the

certification must include a statement that the employee is unable to perform the essential functions of the position and expected duration. The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will return it to the health care provider and not use genetic information for any employment decision or action.

Employees on an extended FMLA leave must check in every week by phone or email with the Human Resources Department or Department supervisor.

Upon returning to work after leave for the employee's own illness, an employee is required to provide certification to the supervisor that the employee is able to return to regular duties. If the validity of a certification is questioned, the City may require that a second opinion be obtained. If the first and second opinions differ, the City may require a third opinion be obtained. The employee and the City must agree upon a health care provider for the third opinion and this opinion shall be binding on both parties. The City shall bear the expense of second and third opinions.

Return to Work: When an employee returns to work after family and medical leave, the employee shall be restored to the same position or to an equivalent position involving the same or substantially similar duties and responsibilities. An employee will be restored to the same worksite or to a geographically proximate worksite. The employee is also entitled to return to the same shift or an equivalent schedule. Employees will be required to submit a medical certification before returning to work following leave for their own serious health condition.

Effect on Married Couples: If a City employee is married to another City employee and either or both employees request family and medical leave for the birth or placement of a child with the employee for adoption or foster care, the total time allowed shall be limited to no more than twelve (12) weeks combined during any rolling twelve (12) month period. For other qualifying family and medical leave events, each employee is entitled to leave as long as the total amount of leave taken during any twelve (12) month period does not exceed twelve (12) weeks or twenty-six (26) weeks if applicable for one employee.

Continuation of Insurance Benefits: While utilizing unpaid family and medical leave, an employee's insurance benefits will continue without interruption as long as the employee pays his or her portion of the insurance premiums. Payments should be made to the City of Big Spring on a

monthly schedule. Insurance premiums can be deducted from the paycheck before the leave begins, or during the leave, if the employee continues to receive pay (pre-tax), paid monthly or bi-weekly.

If you do not return to work following FMLA leave, the City of Big Spring is allowed to recover its share of the health care contributions paid during the FMLA leave unless specifically excepted by law.

Intermittent Leave: When medically necessary, an employee may take family and medical leave on an intermittent basis or work a reduced schedule. Arrangements should be made with the employee's immediate supervisor so that the operations of the department are not unduly disrupted. An employee taking intermittent leave or leave on a reduced schedule may be temporarily assigned to an alternative position with equivalent pay and benefits if it better accommodates the needs of the department.

Family and medical leave for the birth/adoption or placement must be within twelve (12) months of birth or placement and may begin before the birth of the child.

Holidays: Holidays will be paid in accordance with the holidays policy. City holidays will be counted as part of the twelve (12) or twenty-six (26) weeks of family and medical leave, whether the employee is on paid or unpaid leave.

TMRs: Employee contributions to TMRs may be made on a voluntary basis through a special arrangement with the City while an employee is in a leave without pay status. It is the employee's responsibility to initiate such an arrangement by timely contacting Human Resources and completing the necessary paperwork.

Recordkeeping: Family medical leave time will be tracked on an hourly basis for payroll and compliance purposes. To determine entitlement for employees who work variable hours, the minimum hours required for eligibility is calculated on a pro rata or proportional basis by averaging the weekly hours worked during the twelve (12) weeks prior to the start of family and medical leave.

Exempt Employees: Paid leave accounts may be charged for less than one (1) full workday according to department policy and the salary of an exempt employee may be docked for absences

of less than one (1) full workday. Salaried executive, administrative, professional, and other employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from overtime do not lose their FLSA-exempt status by using any unpaid FMLA leave.

Definitions

12-Month Period: A rolling 12-month period measured backward from the date leave is taken.

12-Month Service member Period: A single 12-month period measured forward from the first day Service member Family Leave is taken.

Child: A biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis, who is standing in the place of a parent, who is either under age 18, or age 18 or older and requires active assistance or supervision to provide daily self-care. A biological or legal relationship is not necessary. A more detailed definition is provided in the Family and Medical Leave Act of 1993 which is available in the Human Resource or Legal Department.

Health Care Provider: A Doctor of Medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary of Labor to be capable of providing health care services. A more expansive definition is provided in the Family and Medical Leave Act of 1993 and regulations pursuant to it, a copy of which is available in the Human Resource Department.

Next of Kin: The nearest blood relative of a Covered Service member.

Parent: A biological parent or an individual who stands or stood in the place of a parent to an employee when the employee was a child. This term does not include parents-in-law.

Spouse: A husband or wife as defined or recognized under state or federal law for purposes of marriage, including common law marriage.

Military Family Leave Entitlement

Military Exigency Leave – Employees who are otherwise eligible for FMLA and have a spouse,

child, or parent on covered active duty (deployed to a foreign country) or called to covered active duty status in the National Guard or Reserves (deployment to a foreign country or in support of a contingency operation) may use their 12-week leave entitlement to address certain qualifying exigencies including eligible: short-notice deployments; attendance at military events and related activities; childcare and school activities; addressing financial and legal arrangements; attending counseling sessions; attending post-deployment activities; up to 15 days of rest and recuperation; and parental care.

Military Caregiver Leave – Employees who are the spouse, parent, child or next of kin of a service member who incurred a serious injury or illness while on active duty in the Armed Forces and is undergoing medical treatment, recuperation, or therapy, may take up to 26 weeks of leave to care for the injured service member in one 12-month period. The covered service member must be a current member or eligible veteran of the Armed Forces (including a member of the National Guard or Reserves) with a serious injury or illness incurred in, or aggravated by, service in the line of duty on active duty that may render him/her medically unfit to perform his/her duties.

Section 4 – Pregnancy and Maternity

A pregnant employee is expected to make her own decision, in consultation with her physician, as to when she will cease working. Except in emergencies, at least 10 working days' written notice of cessation of work shall be required. When giving notice of cessation of work, the employee shall include a statement of her intentions concerning resumption of work. If an employee desires to return to work after pregnancy, the employee's contributions to the retirement fund must remain on deposit during the period of leave.

When the employee seeks to return to work, she shall be required to furnish a statement from her physician to the effect that her physical condition permits the resumption of employment without endangering her health.

Employees with illnesses or disabilities arising from pregnancy or maternity shall be entitled to benefits on the same basis as employees with other types of temporary illnesses or disabilities.

Available sickness or disability benefits may be used for the time during which the employee is medically unable to work.

The City may require periodic medical reports concerning the employee's status and availability to return to duty.

Section 5- Injury on the Job

An employee injured in the line of duty shall receive workers' compensation and injury leave benefits under terms and conditions prescribed in the applicable programs.

Workers' compensation benefits shall be turned over to the City so the employee can receive full salary checks. An employee must report any job-related injury, however minor, to his/her supervisor within 48 hours.

Time lost because of any injury sustained during the course of employment shall not be charged against the employee's sick leave. During such absence, sick leave and vacation leave shall continue to accumulate not to exceed the prescribed maximums. Reports of medical condition may be required by the City. The City Manager shall periodically review all cases and make a determination regarding continuation, reduction, or termination of salary benefits.

Section 6 – Military Leave

Military leave shall be granted in accordance with applicable State and Federal laws. Employees preparing to take authorized military leave shall furnish their department heads with copies of military orders or other appropriate certification.

Section 7 – Emergency Leave

Five days of sick leave shall be granted for funeral leave for immediate family further defined as parents, brothers, sisters, parent-in-laws, grandparents, children, and stepchildren even if they live outside the employee's household.

Section 8 – Administrative Absence with Pay

Employees shall be granted sufficient administrative absence with pay, when necessary, in order to vote in an official election. Employees called for jury service shall be granted administrative absence with pay during such service and shall retain fees paid by the courts. Employees excused or released from jury service during working hours shall report to their workstations unless otherwise instructed.

All employees in the City service shall be entitled to necessary time off with pay for the purpose of taking qualifying or promotional examinations for other positions within City service. This shall also include

hiring interviews. The amount of time allowed for this activity shall be limited as prescribed by the City Manager.

Section 9 – Authorized Leave Without Pay

In circumstances not falling within other provisions of these policies, the City Manager may authorize an employee to take leave without pay under such terms and conditions as may be mutually agreeable.

Benefits shall not accrue for any month during which an employee on leave without pay is in pay status for less than half the standard number of paid days for his/her type of job. An employee returning to work after leave without pay which extends for more than three months shall be given adjusted service or seniority date and an adjusted anniversary date for merit increase purposes. An employee on leave without pay who desires to continue insurance and/or retirement coverage must arrange to make payments required for such coverage.

Section 10 – Absence Without Leave

An employee failing to report for duty or remain at work as scheduled without proper notification, or excuse shall be considered absent without leave and shall not be in pay status for the time involved. Being absent without leave constitutes abandonment of duties which may result in dismissal.

Section 11 – Emergency/Disaster/Inclement Weather Employee and Working Conditions Designation; Telecommuting and Leave; and Exceptional Conditions Paid Leave (EC Paid Leave)

A. Definitions.

Compromised Employee: An employee that has been exposed to an infectious disease, such as SARS-CoV-2, and has either tested positive for the disease or has been ordered or recommended by medical advice into isolation or quarantine as a precautionary measure.

Curtailed Operations: A change or reduction to the routine services, service levels, activities and functions of any given office, department or division.

Declared Emergency/Disaster: A state of emergency or disaster declared by the federal or state government or municipal government under Government Code Section 418, or a state of public health emergency or public health disaster declared by the federal, state or municipal government. Such a state of emergency or disaster could be in reference to an epidemic, pandemic, or another reason.

Epidemic: A widespread occurrence of an infectious, contagious, or communicable disease in a community at a particular time.

Essential Employee: An employee that is classified as essential to public safety and/or core City operations during the timeframe specified by the City Manager.

Household Member: Any other person who resides in the employee's household.

Isolation: A method to separate sick people with a contagious disease from people who are not sick. Isolation is a term applied to infection control actions that are taken by public health officials to stop or slow down the spread of a highly contagious disease.

Inclement or Hazardous Weather Conditions: Wet weather and/or abnormal climatic conditions including, but not limited to, hail, cold, high winds, severe dust storms, extreme high temperatures, or any combination thereof, that causes a major disruption to transportation and the operation of businesses and schools in the area.

Immunocompromised: A reduced ability to fight infections and other diseases. This may be caused by certain diseases or conditions, such as AIDS, cancer, diabetes, malnutrition, and certain genetic disorders. It may also be caused by certain medicines or treatments.

Medical Advice: Information or advice received from a medical professional.

Novel Coronavirus/COVID-19: A respiratory disease caused by a novel (new) coronavirus. The virus has been named "SARS-CoV-2" and the disease it causes has been named "coronavirus disease 2019" (abbreviated "COVID-19").

Pandemic: an infectious disease that occurs over a wide geographic area and affects an exceptionally high proportion of the population.

Quarantine: Quarantine separates and restricts the movement of people exposed to a contagious disease to see if they become sick.

Social Distancing: Measures taken to restrict when and where people can gather to stop or slow the spread of infectious diseases. Social distancing measures include limiting large groups of people coming together, closing buildings, and canceling events.

Telecommuting: A work arrangement in which the employee works outside the normal work site at a suitable work site, often working from home. City employees who are telecommuting may not take any city equipment or documents home or off-site to work on except with department head approval. Telecommuting cannot be done from a City building.

B. Employee Designations.

1. Each Director shall classify all employees under their direction as E1 (Essential-1 or “skeleton crew”), E2 (Essential-2), or as N (Non-Essential)
2. The Department Director may change an employee’s designation at any time. The City Manager may change an employee’s designation at his/her discretion.

C. Working Condition Designations.

1. All working conditions shall receive a designation as either: Exceptional Conditions (EC) or Normal Conditions (NC) based on the circumstances existing.
2. Exceptional Conditions are temporary periods of time in which public safety, employee safety, or both are at increased risk.
3. Exceptional Conditions may include:
 - i. Inclement or hazardous weather;
 - ii. Epidemics or pandemics;
 - iii. immunocompromised employee working during epidemic or pandemic;
 - iv. isolation, quarantine, or social distancing to limit and slow the spread of an epidemic or pandemic;
 - v. employees with household members testing positive for SARS-CoV-2, treated for COVID-19, or having another disease or condition that causes them to be more susceptible during an epidemic or pandemic;
 - vi. employees with young children that cannot be placed in school, day care; or otherwise supervised by an adult due to SARS-CoV-2, or other disease or condition that causes them to be more susceptible during an epidemic or pandemic;
 - vii. on medical advice;
 - viii. building maintenance or unsafe building conditions; or
 - ix. other conditions as determined by the City Manager.
4. During Normal Conditions, employees with designations E1, E2, and N shall work normally.

5. During Exceptional Conditions, E1 employees shall work normally except as their Department Director directs. Vacation and comp time in lieu of work are not permitted, except as authorized by the Department Director. E2 employees shall telecommute during Exceptional Conditions except as their Department Director directs. A Department Director may order, at any time, any E2 employee to report to work, and not allow vacation or comp time leave. A Department Director may rescind any vacation or comp time leave approval during Exceptional Conditions. During Exceptional Conditions, N employees shall either telecommute or use EC Paid Leave.
 - i. Telecommuting shall only be available as authorized or required by an employee's Department Director and the City Manager.
 - ii. Telecommuting employees shall be available via computer and phone (if provided) and provide a contact phone number where they can be easily and readily reached during the regular workday while working remotely from the work site.
6. The City Manager may declare Exceptional Conditions for any or all departments, locations, or individual employees. Absent such a declaration, the working conditions are Normal Conditions.
7. Employees may request a designation of the working conditions as Exceptional Conditions from their Department Director through their chain of command. Final Exceptional Conditions designation shall be approved by the City Manager.
8. Department Directors may declare Exceptional Conditions for their departments, parts of their departments, or an individual employee or employees, subject to approval by the City Manager.
9. During an Exceptional Conditions designation, the City Manager may implement Curtailed Operations at any City office, building, department, or division.
10. The City Manager has discretion to terminate Exceptional Conditions at any time. The City Manager may Curtail Operations during Exceptional Conditions and return operations to normal during Exceptional Conditions. If Exceptional Conditions is terminated, all Curtailed Operations return to normal.
11. For any employee that tested positive for a disease or condition related to any Declared Health Emergency/Disaster or was treated for any such disease or condition, the employee must provide a physician's note to return to work.

D. Payroll During Exceptional Conditions.

1. All employees working normally, or telecommuting shall be paid normally.
2. A new category of employee leave shall be created: EC Paid Leave. EC Paid Leave is authorized at the discretion of the City Manager pursuant to either (A) a Declared Health Emergency/Disaster and exceptional conditions, or (B) for up to two (2) days pursuant to an Inclement Weather designation by the City Manager. The City Manager's has discretion whether to grant EC Paid Leave, and also what percentage of full salaries or wages are to be compensated for employees receiving EC Paid Leave no more than 100%. The City Manager is empowered to require any or all N employees to telecommute or use EC Paid Leave. The City Manager is empowered to require any E1 or E2 employee to telecommute or use EC Paid Leave if, for example, they are on administrative paid leave, light duty, or other applicable category.
3. All employees on EC Paid Leave will be paid normally and are expected to be ready to return to work during normal working hours when called upon. Workers on EC Paid Leave shall not be permitted to come to the work site unless called upon.
4. Absence Form and Payroll Code. Employees authorized to use EC Paid Leave must do the following:
 - i. Absence Form. Complete EC Paid Leave Form (see attachment A) and turn it in to their Department Supervisor before submitting a timesheet with this reporting category.
 - ii. The Department Director shall forward the completed form to the Human Resources Department with the corresponding timesheet. Supervisors shall not retain a copy of this form in their supervisor file.
5. Payroll Code. The Payroll Clerk shall utilize a payroll code description for the Exceptional Conditions for the purposes of tracking City expenses. For example, use payroll code "EC Leave COVID-19" for tracking COVID-19-related EC Paid Leave.

E. Policy Exceptions

Exceptions to this policy may be granted by the City Manager. Some policy provisions may not apply to essential personnel. Any situation or circumstance not covered in this policy shall be governed by existing City policies and procedures.

Section 12 – Mental Health Leave for Peace Officers

A. Policy

The purpose of this policy is to provide guidance in following Chapter 614.015 of the Government Code regarding the use of mental health leave for authorized peace officers employed by law enforcement agencies. Mental health leave will support staff in maintaining a healthy state of mind while at work and at home. The City of Big Spring recognizes that mental health is just as important as maintaining physical health. The City supports establishing a workplace that is comfortable, healthy, safe, and supportive.

B. Applicability

This policy applies to all appropriately licensed peace officers employed by the City of Big Spring. The Police Chief and Human Resources Director will be responsible for communicating and implementing this policy as applicable.

C. Definitions

Law Enforcement Agency: An agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

Peace Officer: An individual having met all requirements established by law and possessing the necessary licenses under the law; completed the basic licensing course; the state licensing examination; and thereafter having been appointed by Big Spring Police Department to serve as an officer.

Course and Scope of Employment: An activity of any kind or character that has to do with and originates in the work, business, trade, or profession of the employer and that is performed by an employee while engaged in or about the furtherance of the affairs or business of the employer.

(Section 401.011(12) of the Texas Labor Code)

Identified Traumatic Event: A reasonable traumatic event occurring in the course and scope of employment which results in an adverse effect on the mental health of a peace officer resulting in the documented need for mental health leave.

D. Conditions

The use of mental health leave may be granted after a peace officer experiences a traumatic event in the course and scope of employment. Traumatic events that may occur within a peace officer's career can have varying degrees of severity and effect on any one individual. Each employee may

experience the same type of traumatic event differently. Below is a non-exhaustive list of possible examples of traumatic events in the course and scope of employment that can have an effect on an employee's mental health.

- Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties.
- Incidents involving multiple casualties which may include shootings or traffic accidents.
- Line of duty death or suicide of a department member.
- Death of a child resulting from violence or neglect.
- Officer(s) involved shooting of a person.

When such a traumatic event does occur while in the course and scope of employment, it is important for management staff to recognize the fact that some employees may be negatively affected and need to be away from work to appropriately process the traumatic incident and perhaps seek mental health assistance from a professional. In addition, it is important to provide support for employees.

An officer shall be allowed up to 3 days (24 hours) of paid mental health leave per identified traumatic event.

E. Anonymity

The agency will keep requests to take mental health leave and any medical information related to mental health leave under this policy confidential to the extent allowed by law and separate from the employee's general personnel file. The agency cannot guarantee anonymity of information that is otherwise public or necessary to carry out the agency's duties under the law.

F. Effect on Paid Leave Balances

The agency will not reduce an eligible employee's personal Vacation, Sick, or Compensatory Time earned, or other paid leave balance for mental health leave taken in accordance with this policy.

G. Employee Responsibilities

After experiencing an identified traumatic event while in the course and scope of employment, it is prudent for the affected employee to openly communicate his/her current mental/physical status to

their supervisor. Employees should be open to suggestions by their supervisor in using mental health leave and/or seeking assistance from a crisis intervention professional.

Communications/conversations regarding the affected employee's health status will be kept confidential by the supervisor and any other need-to-know management staff as required by state and federal law.

H. Chief of Police or Human Resources Director Responsibilities

Management/supervisors should privately meet with any individual who has experienced a traumatic event while in the course and scope of employment. Supervisors should ensure the employee will be supported as much as possible after experiencing the event. In addition, it is important for supervisors to determine if there is a need for the employee to use mental health leave. If a supervisor determines the employee may need advice and help from a crisis intervention professional, this should occur as quickly as possible. Any employee who requests mental health leave and/or the assistance of a crisis intervention professional after experiencing a traumatic event should be granted the request.

Regarding the mental health leave, it is at the discretion of command staff in determining how long the initial mental health leave should be if medical documentation is unavailable. If additional mental health leave beyond that initially granted by command staff is needed, the supervisor will require medical documentation from the individual's treating medical provider to substantiate the need for such additional leave.

I. Documenting Mental Health Leave

Once an employee has been granted use of mental health leave, the supervisor will notify Human Resources. The maximum number of mental health days an individual may use is 3 days (24 hours) per Identified Traumatic Event. If additional days beyond 3 are necessary, the employee must use accrued leave unless the leave is determined to be covered under workers' compensation. Request for additional leave must be substantiated in writing by the employee's treating medical provider. In addition, the employee will be required to submit to a fitness for duty examination before being allowed to return to work.

Mental health leave will run concurrently with FMLA where FMLA is available.

While utilizing mental health leave, employees will continue to earn all benefits, seniority, and applicable special pays.

PERSONNEL POLICIES

CHAPTER IX

Conduct

Section 1 – Attendance

Employees shall be at their places of work in accordance with City and departmental policies and regulations. Department heads shall establish work schedules and maintain daily employee attendance records.

Section 2 – Work Standards

It is the duty of each employee to maintain high standards of productivity, cooperation, efficiency, and economy in his/her work for the City. Department heads shall organize and direct the work of their departments to achieve these objectives.

If work habits, attitude, production, and/or personal conduct of an employee fall below appropriate standards, supervisors should point out the deficiencies at the time they are observed. Counseling and warning the employee in sufficient time for improvement shall ordinarily precede formal disciplinary action, but nothing can and shall prevent immediate formal action as provided elsewhere in these policies whenever the interest of the City requires.

Section 3 – Political Activity

- A. While in uniform, engaged in working activity, or on active duty an employee may not take an active part in another person's political campaign for an elective position of the municipality.
- B. For the purposes of this section, a person takes an active part in a political campaign if the person:
 - 1. Makes a political speech;
 - 2. Distributes a card or other political literature;
 - 3. Writes a letter;
 - 4. Signs a petition;
 - 5. Actively and openly solicits votes; or
 - 6. Makes public derogatory remarks about a candidate for an elective position of the municipality.
- C. A City employee may not be required to contribute to a political fund or to render a political service to a person or a party. An employee may not be removed, reduced in classification or

salary, or otherwise prejudiced for refusing to contribute to a political fund or to render a political service.

- D. Except as expressly provided by this section, the City may not restrict a City employee's right to engage in a political activity.
- E. Nothing in this policy excuses employees from respecting, obeying State law, including that concerning elections.

Section 4 – Solicitation

Solicitation of funds or anything of value for any purpose whatsoever shall be permitted of or by City employees on the job only with approval of the department head. No employee may be required to make any contribution or may be penalized in any way in connection with his/her employment based on the response to a solicitation.

Section 5- Outside Employment

An employee shall not engage in outside employment, including self-employment, where such activity would constitute a conflict of interest or would adversely affect the employee's performance in the City service. Outside employment must be reported to the department head. If an employee's outside employment begins to interfere with the Effective performance of assigned City duties, the employee shall be required to terminate the outside employment or to resign from the City service.

Section 6 – Acceptance of Gifts

All employees, regardless of position, are prohibited from accepting gifts or gratuities from individuals or firms with which the City does business. In many instances, businesses have a policy of giving gifts during holiday seasons, and the refusal or return of such gifts could create unnecessary ill will for the City. Under these circumstances, gifts of a value of \$25.00 or less may be accepted. Under no circumstances may gifts of cash be accepted.

Section 7 – Relations with Mayor and City Council

A. Definitions

“Council” means one or more of the Members of City Council, including the Mayor, and individual City Council Members.

“Unofficial Council Information” means written or printed information directly or indirectly from a Council Member, except for City Council agendas; City Council minutes; proclamations;

declarations; official acts of the Mayor; official ordinances, resolutions, rules, regulations, orders or other acts of City Council; oaths; executed contracts, deeds, liens, easements, or liens; memoranda of understanding; conflict of interest statements; audio recordings or video recordings of City Council meetings; and discussions that solely concern the time, place, or agenda items for future City Council meetings.

“Council Member” means the Mayor or another City Council Member.

“Information” includes written documents, printed documents, messages, correspondence, records, logs, printed photographs, audio recordings, and video recordings, electronic or physical that were already “records of the city” under Big Spring Code Section 2-11 before they were requested, and any form of communication that passes information from such records of the city.

B. Council Requests for Information and Questions to Staff

When a Council Member requests information for any staff member, the staff member may provide the information. A staff member receiving the request must promptly notify a supervisor, a director, or the City Manager. Any supervisor who receives a request for information from a Council Member must notify a director or the City Manager. An employee who did not know that the person was a Council Member is exempted from this requirement.

C. Responding to a Council Member’s Request for Information or Question

1. A director, the City Manager, the City Secretary, or the Assistant City Secretary must provide the information requested by Council only with the following procedure. All information requested by Council must be distributed by the City Manager, a director, the City Secretary, or Assistant City Secretary, or one of their designees, to all Council Members with the notation indicating which Council Member requested the information. If the information was requested during an official City Council meeting, the notation may be omitted.
2. Information that may not be shared legally is exempted.
3. Requests for information or answers to questions that may contain Unofficial Council Information that could lead to a walking quorum must be approved by the City Attorney or the City’s officially authorized outside legal counsel prior to release and cannot be released if such a release would violate any law.

D. Meetings with Council and Staff

For any regular staff meeting conducted by the City Manager or his or her designee, no Council

Member may attend. The City Manager may cause minutes for such a meeting to be kept. For ad-hoc unofficial meetings with one or more Council Members and three or more City employees, minutes must be kept. Meetings that solely concern emergency management are exempted.

PERSONNEL POLICIES

CHAPTER X

Disciplinary Action

Section 1 – Grounds

Disciplinary action may be taken against an employee for just cause. Just cause shall be related to the job involved and shall include but not be limited to illegal, unethical, abusive or unsafe acts; violation of City or departmental rules, regulations, policies, or procedures; insubordination, inefficiency; neglect or abandonment of duties; abuse of illness, injury, disability, or other benefits; tardiness or absence without leave; falsification of official documents or records; using or being under the influence of drugs or intoxicating beverages on the job; waste, damage, or unauthorized use of City property or supplies; unauthorized use or disclosure of official information; and unauthorized or improper use of official authority.

Section 2 – Types

Disciplinary action shall be consistent with the nature of the deficiency or infraction involved and with other relevant factors. Formal disciplinary action shall include oral reprimand, written reprimand, suspension without pay for up to 15 calendar days, demotion, and dismissal.

Any of these types of formal disciplinary action may be invoked for a particular deficiency or infraction, depending upon the exact circumstances. An employee may be formally warned at any time that he/she may be dismissed or otherwise disciplined for further unsatisfactory performance and/or conduct.

Discipline shall be administered in an equitable manner for like offenses.

Section 3- Documentation

Department heads shall submit documentation of any disciplinary actions and the surrounding circumstances to the Personnel Director for inclusion in the official personnel files of the employees involved.

PERSONNEL POLICIES

CHAPTER XI

Employee Appeals

Section 1 – Grounds

Employees dissatisfied with specific working conditions, their performance evaluations, their position classifications, failure of probation (either initial or promotional), or any other job-related situations may appeal to management. Additionally, employees who believe they have been subjected to unfair treatment or discrimination may appeal to management. Additionally, employees who believe they have been subjected to unfair treatment or discrimination may appeal.

Section 2 – Appeal Procedures

Employees are encouraged to informally take any job-related complaints or problems to their immediate supervisors. Following informal discussions, an employee remaining dissatisfied with a matter subject to appeal procedures may submit a written appeal to his/her supervisor or, in the case of failure of probation, directly to the department head. This appeal must be filed within five calendar days after the occurrence of the event or after the employee becomes aware of the event giving rise to the appeal, except that an employee dismissal must be appealed in writing within five working days of the employee's actual or constructive receipt of written notification of his/her dismissal. The initial recipient of an appeal shall forward a copy to the Personnel Director, who shall participate in the processing of the appeal when necessary to clarify or interpret policy.

It shall be the responsibility to the immediate supervisor to study the appeal and attempt to resolve it within three working days. Further discussions with the employee shall be encouraged. If the appeal cannot satisfactorily be resolved within the time limit, the immediate supervisor shall refer it with comments/and/ or recommendations to the next higher level of supervision, and so on up to the City Manager if necessary. Supervisors and employees should make every effort to resolve appeals at the lowest possible level. Employees shall be kept informed of the status of their appeals. If a person in the supervisory chain fails to resolve or refer an appeal within three working days, the employee may present the appeal directly to the next higher level of supervision. Each person in the supervisory chain shall ensure that the employee presenting an appeal is not subject to reprisal and that the processing of the appeal is conducted in the most objective manner possible, with maximum confidentiality.

Section 3 - Disciplinary Hearing for City Employees

A. Complaints

Before a complaint against a City employee may be considered by the Charging party as defined in subsection B (4), the complaint must be placed in writing and signed by the person making the complaint. A copy of the signed complaint must be presented to the affected City employee no later than one hundred and eighty (180) days after the complaint is filed and before any disciplinary action may be taken against the affected City employee. The charging party is hereby restricted to his original written statement and charges against the City employee, which shall not be amended, and no act or acts may be complained of by said charging party which did not happen or occur within one hundred eighty (180) days immediately preceding the date of disciplinary action by the City manager.

B. Disciplinary Action

If disciplinary action is taken against a City employee who has been employed as an employee for more than three hundred and sixty-five (365) days, and has exhausted all internal appeal procedures, the employee is entitled to a public hearing before a Retired District Judge on the written statement and charges against the employee and the disciplinary action taken. In this charter provision:

1. “Retired District Judge” means a qualified neutral to which authority has been delegated to hear appeals of disciplinary action against an employee.
2. “Employee” means any employee of the City of Big Spring except the City Manager and department heads.
3. “Disciplinary action” includes termination, suspension, and demotion.
4. “Charging Party” means the City manager, director, department head or City employee with the authority and power to file written disciplinary charges.

To obtain the hearing, an employee must file a written request with the City secretary no later than the fifteenth (15th) day after the City employee received the written statement and charges from the charging party.

The employee and the charging party shall forthwith endeavor to select a mutually agreeable Retired District Judge. If the parties are unable to agree upon a Retired District Judge within ten (10) days after the City employee files his appeal, the parties shall promptly request that a judge of the 118th judicial district court appoint a Retired District Judge. If an appointment cannot be made, a provider service can name a Retired District Judge to hear the disciplinary action.

The parties shall set the earliest date possible that is available to the Retired District Judge for a hearing. If the Retired District Judge cannot hear the case within forty-five (45) days of his selection, the parties shall request another judge.

Each Party shall pay one-half of any deposit required by the Retired District Judge. The deposits from each party will be applied to the fees and expenses of the Retired District Judge. The remaining fees and expenses of the Retired District Judge shall be borne by the 'non-prevailing, if any, as determined by the Retired District Judge. Each party shall pay the costs of their own witnesses.

The employee is entitled to:

1. Examine any document, paper, book, or material considered in the formation of the charges of necessary to establish a proper defense.
2. Be represented by counsel or by a person of his choice; and
3. Present witnesses in his defense and cross-examine any adverse witness.

The hearing must be fair and impartial, and the Retired District Judge shall determine if the facts justify the disciplinary action taken against the employee. The Retired District Judge may consider only the evidence presented at the hearing. Disciplinary action may not be taken against an employee without good and reasonable cause.

The Retired District Judge shall uphold the disciplinary action, dismiss it, or reduce it. The decision of the Retired District Judge is final and binding on all parties.

PERSONNEL POLICIES
CHAPTER XII
Non-Disciplinary Separation

Section 1 – Resignation

An employee desiring to leave the City service in good standing should submit his/her resignation in the prescribed manner at least 10 working days in advance. The City Manager may waive any portion of the notice period.

Section 2 – Layoff

An employee may be laid off because of changes in duties or the organization or for lack of work or funds. Whenever possible, an employee laid off from one City department shall be transferred to a suitable position elsewhere. Whenever possible, at least two weeks' notice shall be given an employee prior to layoff.

Layoffs shall be carried out on the basis of demonstrated job performance with the most proficient employees being retained the longest period. Seniority within the City service may be used to determine the order of layoff among employees with substantially equivalent records of job performance, with the most senior employees being retained the longest. Temporary employees shall be laid off before permanent employees performing similar duties, and part time employees shall be laid off before full time employees performing similar duties who have completed their probationary periods.

Layoffs shall not be considered disciplinary actions.

Section 3 – Incapacity

An employee may be separated for incapacity for medical reasons when the employee no longer meets the standards of fitness required for the position. **Rev. 11-27-84 And when the City cannot provide “reasonable accommodation” to the incapacitated individual and a specific position.** A finding of incapacity shall be made through individual medical determination by a competent authority as prescribed by the Personnel Director.

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

PERSONNEL POLICIES

CHAPTER XIII

Reinstatement

Section 1 – After Separation

A person who is separated in good standing may be reinstated to his/her former type of position within three months following separation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the interest of the City.

Rev. 11-23-82 A person who is separated in good standing may be reinstated, with loss of seniority, to his/her former type of position within three months following separation, provided the person remains qualified to perform the duties of the position, and has not withdrawn funds from the TMRS, such reinstatement must be approved by the City Manager.

Section 2 – After Layoff

A person who was laid off, including a temporary employee separated upon completion recalled to work at any time provided the person remains of duties, may be routinely qualified to perform the duties of the position.

Section 3 – Veterans

Employees who left the City service to enter on duty with the Armed Forces of the United States shall be eligible for reinstatement in accordance with applicable State and Federal laws.

Section 4 – Re-employment

Former employees not eligible for reinstatement under specific provisions of this chapter may be considered for employment as members of the general public. Provisions governing restoration of sick leave credits shall not apply.

Rev. 11-23-82 Section 4 – Re-employment

Former employees not eligible for reinstatement under specific provisions of this chapter may be considered for employment as members of the general public.

Provisions governing restoration of sick leave credits shall not apply. Employees who have worked for the City a total of two separate permanent appointments will not be considered for future openings without the approval of the City Manager.

PERSONNEL POLICIES

CHAPTER XIV

Personnel Files and Reports

Section 1 – Personnel Files

The Personnel Director shall maintain personnel files for all City employees. Unless otherwise provided by law, personnel files and information shall be confidential and may not be used or divulged for purposes or connected with the City personnel management system except with the permission of the employees involved. Nothing herein shall prevent the compilation and use of impersonal statistical information. An employee shall have the right of inspection of his/her official personnel file under procedures prescribed by the Personnel Director.

Section 2 – Status Changes

Department heads shall report changes in the official and personal status of their employees in accordance with procedures developed by the Personnel Director.

Section 3 – Personnel Reports

The Personnel Director shall prepare such rosters, narrative reports, statistical summaries, and other reports as are necessary or desirable to provide information to management.

Section 4 – Application Forms

All persons seeking employment in the City service shall complete employment application forms approved by the City Manager. Application forms shall require background information concerning training, experience, and other pertinent job-related matters. All applications must be signed. The Personnel Director may require proof of statements or claims on an application as he/she deems appropriate. Employment application forms shall only require information necessary to process the applications, directly related to job requirements, required for pre-employment investigation purposes, or necessary to evaluate the effectiveness of the City equal employment opportunity program. Certain race/ethnic/sex information may be obtained for statistical and program evaluation purposes but shall not be used in the selection process.

Section 5 – Exit Interviews

With the cooperation of the employee, an exit interview shall be conducted upon an employee's separation from the City service regardless of length of service, position, or the circumstances of

separation.

The Personnel Director or his/her designee shall be responsible for conducting all exit interviews. The Personnel Director shall ensure, if possible, that each employee is interviewed prior to his/her separation from City employment. Results of exit interviews shall be recorded on forms prescribed by the Personnel Director.

At the time of the exit interview or just prior to the employee leaving his/her department, all City property such as keys, identification cards, and uniforms shall be collected.

PERSONNEL POLICIES
CHAPTER XV
Drugs, Usage, and Treatment
Rev. 5-7-91

The Drug-free Workplace Act of 1988 was passed by the Congress as part of its response to the concerns of society over the increasing use of drugs in the Workplace. Companies and organizations are required to comply with this law if they are awarded any federal contracts or grant monies amounting to \$25,000 or more per year. Additionally, and in accordance with the Texas Workers Compensation Act, employers with 15 or more employees who maintain worker's compensation coverage must adopt a written policy on the elimination of drug abuse in the Workplace.

The City of Big Spring is committed to providing a drug-free environment for the health, safety, and security of our employees and will voluntarily comply with the 1988 Drug-Free Workplace Act and the Texas Worker's Compensation Act.

Accidents and injuries throughout the nation which are caused by or related to drug and alcohol abuse are increasingly frequent and have reached alarming proportions. Illegal drug usage adds enormously to the national cost of health and rehabilitation services. These rising medical costs are borne equally by all of our employees and by the City. We encourage every employee to participate actively in the war against drugs. Only through our combined efforts can we be successful.

The unlawful distribution, dispensation, possession, sale, use or manufacture of a controlled substance and/or alcohol on City premises or while conducting City business is absolutely prohibited. Violations of this policy will result in disciplinary action up to and including termination and legal consequences.

1. Employees are expected and required to report to work on time and fit for duty; that is, in appropriate mental and physical condition to perform their job duties. Reporting to work under the influence of alcohol, or traceable amount of controlled including illegal inhalants, will not be acceptable, nor will the use of legally obtained prescription drugs to the point that ability to function in a safe and efficient manner is impaired.
2. All "street drugs" are controlled substances. Some controlled substances are prescription drugs that can be used legally under the direction of a physician; however, the use of prescription drugs without a prescription is illegal and a violation of this policy.

3. The City recognized substances abuse as a major health, safety, and security problem. Employees needing help in dealing with substance abuse problems encouraged to seek appropriate assistance either on their own or by contacting the Personnel Director for assistance program details. The City has provided free medical insurance benefits for our employees which may help ease the financial burden of professional assistance. Voluntary efforts to seek help will not be noted in any personnel records or reports.
4. Employees observing or hearing about violations are expected to report them immediately to the department head or to the Personnel Director. Failure to report known violations of this drug and alcohol policy will be cause for disciplinary action up to and including termination.
5. In accordance with the Drug-Free Workplace Act employees are mandated to report any convictions of drug usage on City premises or while conducting City Business within five business days of conviction or this policy will be considered violated and resulting in cause for disciplinary action up to and including termination.

PERSONNEL POLICIES

CHAPTER XVI

Sexual And Other Unlawful Harassment

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

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

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

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

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

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

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

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

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

- The Department Director.
- The Director of Human Resources.
- The City Manager.

Any employee who believes that she or he has been the target of sexual or other harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of sexual or other harassment, is encouraged, but not required, to directly inform the offending person or persons that *such* conduct is offensive and must stop. Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and /or the Director of Human Resources. The City is committed, and required by law, to take action if it learns of potential sexual or other harassment, even if the aggrieved employee does not wish to formally file a complaint. A formal Complaint Form is available from the Director of Human Resources, to assist with the complaint allegations, but it is not required for reporting harassment.

Under this policy, an employee may also report to and/or contact the Director of Human Resources directly, without regard to the employee's normal chain of command.

City of Big Spring Human Resources Office
310 Nolan Street
Big Spring, Texas 79720
432-264-2345
Voice messages or e-mails may be left at any time.

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

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

Responsive Action Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation. Any employee who is terminated for violation of the City's Sexual and Other Unlawful Harassment Policy is ineligible for future employment with the City.

PERSONNEL POLICIES

CHAPTER XVII

Drug and Alcohol Use Policy

It is the desire of the City to provide an alcohol- and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia This policy also prohibits the use, possession, distribution, and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-The-Counter Drugs The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using

other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Police Department Employees Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions. Additional guidelines may be established by Police Department operating procedures.

Mandatory Disclosure by Employees Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Director or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Human Resources shall keep a list of such medications in the employee's medical file. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

On-Call Employees Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

Mandatory Reporting of Arrests and Convictions Employees must notify their immediate supervisor and the Department Director, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of *nolo contendere*) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.

Off-Duty Conduct The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use, or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of

illegal drugs or alcohol (.02 bac or higher) may be disciplined, up to and including termination.

Rehabilitation/Treatment

1. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment. The City will administer this policy in line with the Americans With Disabilities Act.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City Manager's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.
3. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. The City Manager will determine whether additional unpaid leave may be needed as an accommodation or otherwise after all paid leave is used.
4. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

Initial negative test for drugs and/or alcohol before returning to work;

A written release to return to work from the City-approved rehabilitation or treatment facility/program;

Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the

City-approved rehabilitation or treatment program, if applicable;

In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, safety sensitive employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during 12-month period following the employee's return to work following treatment.

Policy Violations Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. The Police and Fire Departments may follow their own disciplinary rules or under their respective agreements, if any, regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

TESTING

Types of Tests Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, Intoxilyzer, blood, or other generally accepted testing procedure.

Testing of Applicants All applicants to whom a conditional offer of employment has been made will be required to submit to testing for illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City. For clear and manifest cause, the City Manager may decide to remove a prospective employee's ineligibility for a positive test result.

Testing of Employees

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or "near miss," when reasonable suspicion exists, return to duty, or in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety-sensitive positions.
2. Police and Fire Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state,

changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.
6. A positive test result is a violation of the City's Drug and Alcohol Use Policy and may result in disciplinary action up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City. For clear and manifest cause, the City Manager may decide to remove a prospective employee's ineligibility under this part.
7. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for DOT Employees for additional information.

Testing Procedures

1. All testing must normally be authorized in advance by both the employee's Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
2. If an employee's conduct resulted in a workplace accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy,

the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.

3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Director of Human Resources; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

Section 1 - Drug and Alcohol Policy for DOT Employees

Employees/Applicants Subject To Testing City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the Director of Human Resources will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy with a conditional offer of employment.

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Use Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the City. The list of job

titles on Attachment A may change as job responsibilities change or as new jobs are added to the City's workforce. Employees required by DOT to hold a CDL, due to the type of vehicle or equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

Prohibited Alcohol Use

- a. **On-duty and Pre-duty Use** Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:
 - While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
 - While using alcohol; or
 - Within 4 hours after using alcohol.

- b. **Use Following an Accident** An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

Prohibited Drug Use Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

Required Alcohol and Drug Tests DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

- a. **Pre-employment Testing** Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

b. **Post-accident testing** Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
- When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
- In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

Post-Accident Alcohol Testing If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.

Post-Accident Drug Testing A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

- c. **Reasonable Suspicion Testing** Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only after consultation with the Director of Human Resources. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Director of Human Resources.

Reasonable Suspicion Alcohol Testing Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the workday the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Director of Human Resources. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Director of Human Resources.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- 24 hours have elapsed since the reasonable suspicion observation was made.

Reasonable Suspicion Drug Testing A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

- d. **Random Testing** Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.
- e. **Return-to-duty and follow-up testing** Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations, or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as

set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

Refusal to Test An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

Additional Information About Alcohol Testing

- a. **Consequences of a Positive Alcohol Test** An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave during the treatment period.)
- b. **Alcohol Testing Procedures** A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

Additional Information About Drug Testing

a. **Drug Testing Procedures** Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy, and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City’s Director of Human Resources. The second test will be at the driver’s own expense.

b. **Drugs Tested For** DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opioids
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, (1) test for other controlled substances pursuant to its general Drug and Alcohol Use Policy; or (2) modify the list of DOT tested drugs at the direction of DOT.

c. **Review of Drug Test Results** All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

d. **Consequences of a Positive Drug Test** A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

Confidentiality Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver's specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers' compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Director of Human Resources. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results or any other related matters will likely result in disciplinary action up to and including termination of employment.

Information From Prior Employers For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver's written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver's application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

Record Retention The City will maintain and retain records under this policy as mandated by DOT regulations.

Notification to Applicants/Employees of Positive Test Results The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with the MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

Employee Admission of Drug/Alcohol Use An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, *i.e.*, an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

Safety Sensitive Functions For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time.
- All time spent at the driving controls of a CMV in operation.
- All time, other than driving time, in or upon any CMV.

- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Transportation to Testing Site With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

Questions Anyone with questions regarding this policy should contact the Director of Human Resources.

PERSONNEL POLICIES

CHAPTER XVIII

Social Media

Policy

An employee's use of social media, both on and off duty, must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. This policy is designed to protect the City's reputation and ensure that an employee's communications not only reflect positively on the employee as an individual, but also on the City.

The term "social media" encompasses tweets and twittering, Facebook, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, micro-blogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media.

Use of City's Internet

Use of the City's Internet is a privilege and City employees must responsibly and ethically use it. The City may monitor an employee's access, use, and postings to the City's Internet to: ensure compliance with internal policies; support the performance of internal investigations; assist management of information systems; and for all other lawful purposes. The City expects all employees to follow the guidelines below when posting information on the City's Social media sites.

Other City Policies

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. Violations of the Social Media Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through Chapter XI, Employees Appeals, without resorting to social media.

Employee Guidelines: Use of City's Social Media on Work Time

Any blogging or posting of information on the Internet or other City social media sites must comply with the City's guidelines, regardless of where the blogging or posting is done.

- Blogging or posting information of a personal nature on the Internet or other City social media sites is prohibited during work hours. Employees are not permitted to engage in social networking of a personal nature while using any of the City's electronic social media sites.
- Employees must obtain written authorization from the City Manager or the IT Director to update or post on social media sites on behalf of the City and all content must be approved prior to posting. All of the employee's time spent updating or posting on City social media sites as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of social media on work time and on City equipment on City-operated networks is considered private or confidential, even if password protected or otherwise restricted. The City reserves the rights to access, intercept, monitor, and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City with regard to information sent through the City's Internet.
- Individual supervisors do not have the authority to make exceptions to these guidelines.

Employee Guidelines: Use of Personal Social Media While Not on Work Time

The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of guidelines regarding posting of work-related information on personal social media sites, and they are listed below.

- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media. Recognize that postings on your social media site, even if done off premises and while off duty, could have an adverse effect on the City's legitimate business interests.

- Respect coworkers and the City. Do not put anything on your personal social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything on your personal social media site that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City. Be mindful that the City's harassment policy covers both work and non-work time, including postings on social media sites.
- Do not post pictures of yourself or others on your personal social media site containing images of City uniforms or insignia, City logos, City equipment or City work sites.
- Do not post information on your personal social media site that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on your social media site.

Section 1 - Covered Applications And Prohibited Technology Policy

1.0. Introduction

1.1. Purpose.

The 88th Texas Legislature in Regular Session enacted Senate Bill 1893 to require political subdivisions, including municipalities, to prohibit the use of covered applications on governmental entity-owned and -leased devices.

This policy of the City of Big Spring is intended to conform to the requirements of Texas state law, and shall be so construed.

2.0. Covered Applications Policy

2.1. Scope and Definitions

This policy applies to all City of Big Spring employees, full- and part-time employees, contractors, paid or unpaid interns, and other users of government networks. All City of Big Spring employees are responsible for complying with this policy.

In this policy, the following definitions apply.

The “City” is the City of Big Spring, a Texas home rule municipality.

A “covered application” is:

- A. The social media service TikTok or any successor application or service developed or provided by ByteDance Limited, or an entity owned by ByteDance Limited.
- B. A social media application or service specified by proclamation of the Governor under Section 620.005, Texas Government Code.

A “device” includes phones, tablets, desktop computers, laptops, and other electronic devices that could run or install a covered application.

“DIR” is the Texas Department of Information Resources.

“DPS” is the Texas Department of Public Safety.

An “employee” includes full-time, part-time, exempt, and non-exempt employees, officers, independent contractors, paid or unpaid interns, and volunteers of the City of Big Spring.

The “Governor” is the Governor of the State of Texas.

A “sensitive location” is any location, physical or logical (such as video conferencing, or electronic meeting rooms), that is deemed under the terms of this policy to be used to discuss confidential or sensitive information including information technology configurations, criminal justice information, financial data, personally identifiable information, confidential information, or any data protected by federal or state law.

The “State” is the State of Texas.

2.2. Covered Applications on City-owned or -Leased Devices

Except where approved exceptions apply, the use or installation of covered applications is prohibited on all City-owned or -leased devices.

The City will identify, track, and manage all government-owned or -leased devices to:

- A. Prohibit the installation of a covered application.
- B. Prohibit the use of a covered application.
- C. Remove a covered application from a government-owned or -leased device that was on the device prior to the passage of S.B. 1893 (88th Leg, R.S.).
- D. Remove an application from a government-owned or -leased device if the Governor issues a proclamation identifying it as a covered application.

When feasible, the City Manager or his designee may decide to manage any or all government-owned or leased mobile devices by implementing the security measures listed below:

- A. Restrict access to “app stores” or unauthorized software repositories to prevent the installation of unauthorized applications.
- B. Maintain the ability to remotely wipe non-compliant or compromised City-owned or -leased devices.
- C. Maintain the ability to remotely uninstall unauthorized software from City-owned or leased devices.

2.3. Ongoing and Emerging Technology Threats

To provide protection against ongoing and emerging technological threats to the government’s sensitive information and critical infrastructure, DPS and DIR will regularly monitor and evaluate additional social media applications or services that pose a risk to this state.

DIR will annually submit to the Governor a list of social media applications and services identified as posing a risk to Texas and post the list to DIR’s web site.

The Governor may issue a proclamation causing items on the list to become covered applications.

2.4. Employee-Owned and -Leased Devices

Installation or operation of covered applications on employee-owned or -leased devices that are used to conduct government business is prohibited.

When feasible, the City Manager or his designee may require technological measures to enforce this policy with measures of the same kind as in Subsection 2.2.

Employee-owned or -leased devices not used to conduct government business are not restricted under this subsection.

2.5 Covered Application Exceptions

The City permits exceptions authorizing the installation and use of a covered application on government-owned or -leased devices consistent with the authority provided by Chapter 620, Government Code to install and use a covered application on an applicable device to the extent necessary for:

- A. Providing for law enforcement; or
- B. Developing or implementing information security measures.

If the City authorizes an exception allowing for the installation and use of a covered application, the City must use reasonable measures to mitigate the risks posed to the City and the State during the application's use.

Approval of the City Manager or his designee is required for this exception to be invoked. The City Manager may condition approval on requirements beyond this policy.

Employees are encouraged to document the measures taken to mitigate the risks posed to the City and State during the use of the covered application.

2.6. Sensitive Locations.

An employee may not bring a device with a covered application installed to a location that the City Manager or a supervisor in the employee's chain of authority has deemed a sensitive location. Visitors of the employee are also prohibited from bringing a device with a covered location installed to a location deemed to be a sensitive location.

2.7. Network Restrictions

When feasible, the City Manager or his designee may require network restrictions on City-owned or -leased networks to restrict covered applications.

2.8. Compliance

The City Manager or his designee may require employees to sign a document acknowledging this policy.

2.9. Condition of Employment

An employee found to have violated this policy may be subject to disciplinary action, including termination of employment. This subsection does not apply to elected officials.

PERSONNEL POLICIES

CHAPTER XIX

Travel Policy

General

As with all expenses of the City, employees shall recognize that the citizens of Big Spring fund our operations and it is of upmost importance to only expend funds in order to benefit the citizens of Big Spring. Responsible stewardship of the funds allocated to the City for said purpose is required.

City funded travel includes attendance at professional association meetings, representing the City at various governmental and/or regulatory agencies, professional development, educational activities and involvement with other agencies performing similar tasks.

Employees authorized for travel shall be entitled to transportation, accommodations, and other reasonable services that meet quality standards for convenience, safety, and comfort. This policy requires that travelers shall, whenever possible, use the most economical and/or reasonable accommodations.

Employees engaged in necessary and authorized travel in conduct of City business will be advanced or reimbursed for the costs and documented expenses necessary to conduct business for the City.

Guidelines and Procedures for Travel Authorization and Advances

- A. Employees may request advance travel funds. The request shall be submitted on the City's Travel Expense Report and prior authorization by the Division Director and the City Manager is required.
- B. Qualified reimbursable expenses resulting from travel for City business that is due to any employee shall be itemized on the Travel Expense Report and approved by the Division Director and the City Manager before being submitted for processing by the Finance Department.
- C. Requests for travel advances and travel expenses shall be requested and processed as follows:
 1. A separate Travel Expense Report must be provided for each employee traveling for City related business.
 2. Section 1 of the Travel Expense Report shall identify the individual that is traveling and the person to whom any advance payment is made. Section 3 shall be completed and include all prepaid expenses, including but not limited to, registration fees, airline tickets, etc.

3. The Travel Expense Report(s) shall be submitted to and approved by the Division Director before it is submitted to the City Manager and final approval. The City Manager shall authorize the report before it is presented to the Finance Department for processing. (See Section 2 of Travel Expense Report).
 4. If an advanced payment is requested, the Finance Department shall return a check for the preauthorized amount and the Travel Expense Report to the employee identified in Section 1.
 5. Within **three (3) business days** following the employee's return to work, the employee shall complete Sections 4 and 5 of the Travel Expense Report and submit the report to the Finance Department for reconciliation. All applicable receipts for purchases made with a City-issued credit or purchase card shall be attached. Expenses corresponding to missing receipts for credit or purchase card purchases will not be reimbursed without prior authorization from the City Manager. Receipts for per diem advances shall not be required. The Finance Director shall report any failure to timely file a Travel Expense Report to the appropriate Division Director for appropriate action.
 6. Funds due to an employee for over expenditure of an advance shall not be issued without written approval by the City Manager, or his designee.
- D. Additional Authorization for Airline Travel: Airline travel shall be specifically avoided unless it is determined to be the most economical mode of travel. If airline travel is necessary, coach fare shall be utilized unless it is unavailable. Authorization by the City Manager is required before any reservations for airline travel are made.
- E. The Finance Department will process the Travel Expense Report on the assumption that the travel was properly authorized, and the funds are available in the City's budget.
- F. All Travel Expense Reports and the processing thereof, are subject to the requirements herein provided in addition to any other applicable policies and procedures of the City of Big Spring.
- G. The City may prepay such expenses as registration fees, hotel costs, airline fare, or other public transportation costs directly to the entity to which they are due.
- H. Any funds due to the City by an employee following authorized travel shall be paid upon final processing of the Travel Expense Report by the Finance Department. Any failure by any employee to repay unauthorized expenses shall be reported to the City Manager and the employee's traveling privileges shall be revoked until such funds are repaid.

Expense Reimbursements

Reimbursement of expenses shall conform to the following guidelines:

A. Mileage Reimbursement

1. The mileage reimbursement rate shall be equal to the prevailing Internal Revenue Service (IRS) mileage rate for business travel when the use of a personal vehicle is deemed to be the most reasonable means of transportation. (See Section B below regarding employees who receive an automobile allowance.)
2. Employees are expected to report the shortest distance between points of departure and destination for all travel. Travel between an employee's residence and City offices shall not be eligible for reimbursement.
3. Two (2) or more employees traveling to the same destination must travel in transportation provided by the City or in the same personal vehicle, as determined by the Division Director. Use of a personal vehicle in lieu of City provided transportation is not eligible for reimbursement unless prior authorization is approved by the City Manager, or his designee, for reasonable cause.

B. Reimbursements for Employees Receiving an Automobile Allowance

Employees receiving a monthly automobile allowance are not eligible for vehicle mileage reimbursements but may request reimbursement on fuel if travel is a distance of one hundred miles (100) or more, round trip. To receive reimbursement for fuel, the employee shall:

1. Fill his/her tank before departure at his/her own expense;
2. Make subsequent fuel purchases using a City-issued credit or purchase card; and
3. Document and attach all receipts for subsequent fueling to the Travel Expense Report.

C. Miscellaneous Reimbursements

The following expenses shall be reimbursable expenses with approval of the Division Director and the City Manager, or their respective designees:

1. Car rental expenses;
2. Toll road charges;
3. Parking fees; and
4. Taxi fares

D. Per Diem Meals and Incidental Expenses (M&IE) and Required Reimbursement

1. Advancements and reimbursements for meals shall be paid to each employee authorized to travel for City business and distributed pursuant to the Meals and Incidental Expenses (M&IE) schedules provided by the General Services Administration (GSA), accessible at www.gsa.gov/perdiem.
2. It shall be the responsibility of each traveling employee to determine the appropriate M&IE rate and provide documentation of the qualified per diem rate per day of travel by attaching it to the Travel Expense Form.
3. The per diem rate for the first and last days of travel shall be calculated at seventy-five percent (75%) of the standard per diem per day rate (also provided by GSA) unless authorized by the Division Director and the City Manager, or their respective designees, for reasonable cause. Reasonable cause would include, but is not limited to, the time of departure and time of return.
4. Receipts for meals shall not be required unless an employee uses a City-issued credit or purchase card. An employee using a credit or purchase card shall reimburse the City for any amount in excess of the total per diem authorized for the trip.

EXAMPLE: Based on the per diem rate for Dallas, TX (2018) of \$64/day and a conference lasting three (3) days, calculation for reimbursement to the City is as follows:

| | |
|-------------------|--|
| \$48.00 | (75% of rate) – 1 st day of travel |
| \$64.00 | (100% of rate) – 2 nd day of travel |
| + <u>\$48.00</u> | (75% of rate) – 3 rd day of travel |
| \$160.00 | authorized per diem for trip |
| | |
| \$180.00 | charged to City credit or purchase card |
| - <u>\$160.00</u> | authorized per diem for trip |
| \$ 20.00 | due to City by employee |

Using a city credit or purchase card for the purchase of alcohol or indemnities such as room service or entertainment is prohibited.

E. Per Diem Lodging and Reimbursement:

1. Advancements and reimbursements for lodging shall be paid to each employee authorized to travel for City business and distributed pursuant to the per diem rates published by the General Services Administration (GSA), accessible at www.gsa.gov/perdiem.
2. If accommodations can be made at the conference hotel at the conference reduced or block rate and those reduced or block rates are in excess of the per diem rate provided by the GSA, an employee may request a waiver of the per diem rate. To qualify for a waiver and receive an excess disbursement for lodging, the employee shall attach the documentation identifying the hotel as the conference hotel to the Travel Expense Report prior to approval by the Division Director and City Manager, or their respective designees.
3. If accommodations at the conference hotel cannot be arranged and other accommodations at area hotels are in excess of the per diem rate provided by the GSA, an employee may request a waiver of the per diem rate. To qualify for a waiver and receive an excess disbursement for lodging, the employee shall attach reasonable documentation to support the excess disbursement to the Travel Expense Report prior to approval by the Division Director and the City Manager, or their respective designees.
4. If time is of the essence in booking a hotel/motel at a rate in excess of the GSA rate, an employee may proceed with making reservations only with prior authorization from the Division Director. Authorization from the City Manager shall be required before the cancellation date of the reservation.

Authorization to Travel with a Spouse

A Division Director and the City Manager, or their respective designees, may authorize a spouse to accompany an employee traveling for City business. If authorization is granted, an employee shall reimburse all expenses contributable to a spouse, including but not limited to:

- A. Upgrades to lodging that would not otherwise be charged, such as room upgrades to accommodate additional persons.
- B. All meal expenses contributable to a spouse.
- C. Travel expenses, such as airline tickets or bus tickets, and
- D. Any other charge the City deems reasonably contributable to a spouse.

Same-Day Travel

- A. A Travel Expense Report is not required for travel in which an employee(s) departs and returns on the same day if the employee:
 - 1. Received prior authorization from his/her Division Director for the travel; and
 - 2. Reimbursement for no more than two (2) meals is necessary.
- B. A cash advancement or reimbursement for same day travel will be made through petty cash and a Travel Expense Report shall not be required.
- C. Petty cash and City-issued credit or purchase card expenses relating to same-day travel shall be processed as follows:
 - 1. The GSA per diem rate for M&IEs (found at www.gsa.gov/perdiem) shall be utilized for determining the advancement or reimbursement of funds processed through petty cash. Documentation from the GSA website shall serve as appropriate evidence of petty cash disbursements and no receipt shall be required; and
 - 2. Receipts for purchases made with a City-issued credit or purchases card is required. Employees exceeding the authorized per diem rate shall reimburse the City the difference.

Compensation for Travel Time and Non-Travel Days

- A. Travel Time. Employees traveling for City business shall be entitled to receive compensation for all travel time to and from a City office and the authorized destination.
- B. Non-Travel Days. Compensation shall not exceed eight (8) hours per day during non-travel days unless instruction time at an authorized event exceeds eight (8) hours in any one day.
- C. Optional Time. Time spent attending optional after-hour functions hosted or arranged by an organization affiliated with the event is not eligible for compensation.
- D. Exceeding Forty Hours. If an employee accumulates an excess of forty (40) hours in any one work week while traveling or attending an event, the employee shall report all excess hours as compensatory time or, as determined by the Division Director, shall schedule time off to avoid or reduce accumulation of compensatory time.

Out of State Travel

Travel outside the State of Texas shall be avoided whenever possible. If out of State travel cannot be avoided, prior authorization from the City Manager, or his designee, shall be requested prior to any arrangements for the travel is made.

Expenses Not Covered in Policy

Approval by the City Manager, or his designee, shall be obtained prior to any expenditure of funds for advances or reimbursements not specifically addressed in this policy.

Abuse of Policy

Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

PERSONNEL POLICIES

CHAPTER XX

Security Awareness

1. Introduction

Technical security controls are a vital part of our information security framework but are not in themselves sufficient to secure all information assets. Effective information security also requires the awareness and proactive support of all employees, officials, Council members and Contractors, supplementing and making full use of the technical security controls. This is obvious in the case of social engineering attacks and other current exploits being used, which specifically target vulnerable humans rather than IT and network systems.

Lacking adequate information security awareness, a member is less likely to recognize or react appropriately to information security threats and incidents are more likely to place information assets at risk of compromise. In order to protect information assets, all authorized users of the local government computer systems or databases, Councilmembers, and contractors must be informed about relevant, current information security matters, and motivated to fulfill their information security obligations.

1.1 Objective

This policy specifies the City of Big Spring Security Awareness and Training Program to inform, assess, train, and remediate all Members regarding their information security obligations.

1.2 Scope

This policy applies throughout the organization as part of the corporate governance framework. It applies to City of Big Spring employees, managers, directors, administrators, councilmembers, officials and contractors with access to the local government computer systems, network, databases, company information, confidential personal information, personally identifiable information, and/or customer data. This policy also applies to third party employees working for the organization whether they are explicitly bound (e.g. by contractual terms and conditions) or implicitly bound (e.g. by generally held standards of ethics and acceptable behavior) to comply with our information security policies.

For the purposes of this policy the term “Member” or “Members” shall mean any City of Big Spring employee, manager, director, administrator, or Councilmember, official, or contractor that has been authorized as a user of the local government computer systems, network, databases, company information, confidential personal information, personally identifiable information, or those who may handle customer

data.

1.3 Document Changes and Feedback

This policy will be reviewed and updated as needed to reflect, among other things, changes to applicable law, update or changes to City of Big Spring requirements, technology, and the results or findings of any audit.

1.4 Referenced Documents

Documents that are relevant to this policy include the following:

| Policy | Policy Owner | Document Location |
|--|---------------------------------|--|
| City of Big Spring Handbook/Personnel Policies | City of Big Spring | Human Resources |
| City of Big Spring Directives | City of Big Spring/City Manager | Human Resources |
| IT Acknowledgment and Agreement | City of Big Spring | Human Resources |
| KnowBe4 Security Awareness Training | KnowBe4 | Administered by Information Technology Manager |

2. Policy Requirements

All awareness training must fulfill the requirements for the security awareness program as listed below:

- The information security awareness program should ensure that all Members achieve and maintain at least a basic level of understanding of information security matters, such as general obligations under various information security policies, standards, procedures, guidelines, laws, regulations, contractual terms, and generally held standards of ethics and acceptable behavior.
- Additional training is appropriate for Members with specific obligations towards information security that are not satisfied by basic security awareness, as determined by the IT Manager, or have failed completion of an assigned course. Such training requirements must be identified in departmental/personal training plans and funded accordingly. The training requirements will reflect relevant prior experience, training and/or professional qualifications, as well as anticipated job requirements.
- Security awareness and training activities should commence as soon as practicable after a Member join the organization, generally through assigned training activities assigned by the IT Manager. The

training activities should continue on a continuous/rolling basis thereafter in order to maintain a reasonably consistent level of awareness.

- Where necessary and practicable, security awareness and training materials and exercises should suit their intended audiences in terms of styles, formats, complexity, technical content, etc. Everyone needs to know why information security is so important, but the motivators may be different for those individuals focused on their own duties or managers with broader responsibilities to the organization and their staff.
- The City of Big Spring Human Resources (HR) and Information Technology (IT) Departments will provide information on the location of the security awareness training materials, along with security policies, standards, and guidance on a wide variety of information security matters.

2.1 City of Big Spring Information Security Awareness Training

The City of Big Spring Information Technology (IT) department requires that each Member, upon hire and at least annually thereafter, successfully complete all assigned Security Courses. Certain Members may be required to complete additional training modules depending on their specific job requirements. All Members will be given a reasonable amount time to complete each course so as to not disrupt business operations.

2.2 Simulated Social Engineering Exercises

The City of Big Spring IT department will conduct periodic simulated social engineering exercises including but not limited to phishing (e-mail), vishing (voice), smishing (SMS), USB testing, and physical assessments. The City of Big Spring IT department will conduct these tests at random throughout the year with no set schedule or frequency. The City of Big Spring IT department may conduct targeted exercises against specific departments or individuals based on a risk determination.

2.3 Remedial Training Exercises

From time to time, City of Big Spring Members may be required to complete remedial training courses or may be required to participate in remedial training exercises with the City of Big Spring IT Department as part of a risk-based assessment.

3. Compliance & Non-Compliance with Policy

Compliance with this policy is mandatory for all Members. The City of Big Spring IT Department will monitor compliance and non-compliance with this policy and report to the City Manager the results of training and social engineering exercises.

The penalties for non-compliance are described in Appendix A of this policy.

3.1 Non-Compliance Actions

Certain actions or non-actions by Members may result in a non-compliance event (Failure).

A Failure includes but is not limited to:

- Failure to complete required training within the time allotted
- Failure of a social engineering exercise

Failure of a social engineering exercise includes but is not limited to:

- Clicking on a URL within a phishing test
- Replying with any information to a phishing test
- Opening an attachment that is part of a phishing test
- Enabling macros that are within an attachment as part of a phishing test
- Allowing exploit code to run as part of a phishing test
- Entering any data within a landing page as part of a phishing test
- Transmitting any information as part of a phishing test
- Replying with any information to a smishing test
- Plugging in a USB stick or removable drive as part of a social engineering exercise
- Failing to follow company policies in the course of a physical social engineering exercise

Certain social engineering exercises can result in multiple Failures being counted in a single test. The maximum number of Failure events per social engineering exercise is two (2).

The City of Big Spring IT Department may also determine, on a case by case basis, that specific Failures are a false positive and should be removed from that member's total Failure count.

3.2 Compliance Actions

Certain actions or non-actions by members may result in a compliance event (Pass).

A Pass includes but is not limited to:

- Successfully identifying a simulated social engineering exercise.
- Not having a Failure during a social engineering exercise (Non-action).
- Reporting real social engineering attacks to the IT department by utilizing the Phishing Alert Report button in outlook, or on other approved email programs.

3.3 Removing Failure Events through Passes

Each Failure will result in a Remedial training or coaching event as described in Appendix A of this document. Subsequent Failures will result in escalation of training or coaching. De-escalation will occur when three consecutive Passes have taken place.

4. Responsibilities and Accountabilities

Listed below is an overview of the responsibilities and accountabilities for managing and complying with this policy program.

The Information Technology (IT) Manager is accountable for running an effective information security awareness and training program that informs and motivates Members to help protect the organization's and the organization's customer's information assets.

The Information Technology (IT) Manager is also responsible for developing and maintaining a comprehensive suite of information security policies (including this one), standards, procedures and guidelines that are to be mandated and/or endorsed by management where applicable. Working in conjunction with other corporate functions, it is also responsible for conducting suitable awareness, training, and educational activities to raise awareness and aid understanding of Member's responsibilities identified in applicable policies, laws, regulations, contracts, etc.

All Directors are responsible for ensuring that their staff and others within their responsibility participate in the information security awareness, training, and educational activities where appropriate and required.

All Members are personally accountable for completing the security awareness training activities, and complying with applicable policies, laws, and regulations at all times.

Appendix A – Schedule of Failure Penalties

The following table outlines the penalty of non-compliance with this policy. Steps not listed here may be taken by the City of Big Spring IT team to reduce the risk that a Member may pose to the company.

| Failure Count | Resulting Level of Remediation Action |
|----------------------|---|
| First Failure | Mandatory completion of failed course. |
| Second Failure | Mandatory completion of failed course. |
| Third Failure | Mandatory completion of failed course. |
| Fourth Failure | Meeting with Department Manager |
| Fifth Failure | Meeting with Department Manager and Human Resources Director |
| Subsequent Failures | Meeting with Department Manager and Human Resources Director <ul style="list-style-type: none">- Possibility that additional administrative and technical controls will be implemented to prevent further Failure events- Formal review of employment with Human Resources Director- Potential for Termination of Employment or Employment Contract |

Appendix B – Methods for Determining Staff Risk Ratings

The following is a list of situations that may increase a risk rating of a City of Big Spring Member. Higher risk ratings may result in an increased sophistication of social engineering tests and an increase in frequency and/or type of training and testing.

- Member email resides within a recent Email Exposure Check report
- Member is an executive or VP (High value target)
- Member possesses access to significant company confidential information
- Member is using a Windows or Apple-based operating system
- Member uses their mobile phone for conducting work-related business
- Member possesses access to significant company systems
- Member personal information can be found publicly on the internet
- Member maintains a weak password
- Member has repeated company policy violations