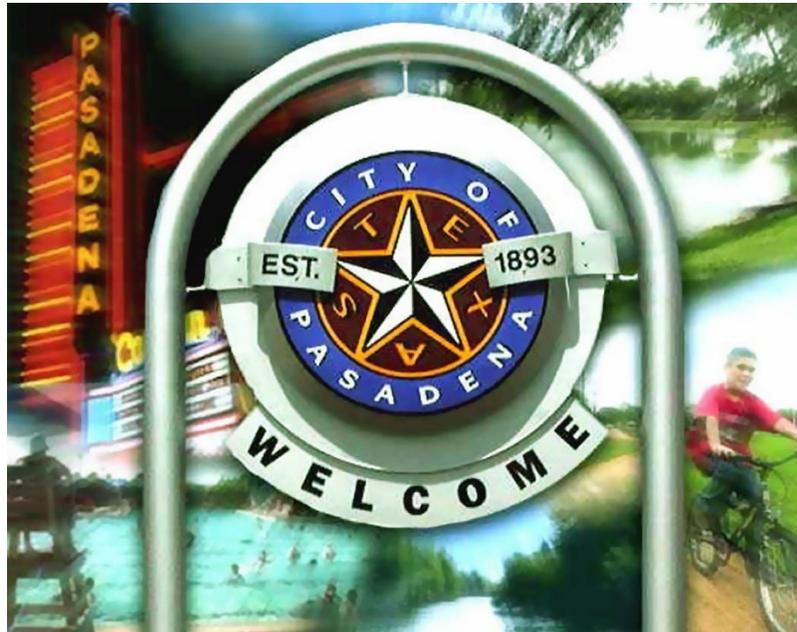


City Of Pasadena



Employee Handbook

**CITY OF PASADENA
EMPLOYEE HANDBOOK
Ordinance 92-29**

as originally passed on March 3, 1992

Sections amended to date:

Ord. 94-177. Sec 13.07- 911311994
Ord. 95-004. Sec. 11.13 - 1/17/1995 Ord. 96-166. Sec .13.07 - 9124/1996 Ord. 97-199. Sec. 14.14 - 10/21/1997 Ord.98-202. Sec.
11.11 - 11/24/198 Ord. 99-041. Sec. 9.20- 3/16/1999
Ord. 02-025. Sec.14.08 - 112212002
Ord. 02-055. Sec.11.08, 14.04 &14.05 - 211912002 Ord, 02-123. Sec.14.03 - 5128/2002
Ord. 06-237. Sec .14. 04 - 10/3/2006
Ord. 09-199. Sec.11.08 &14.04 - 9/2912009 Ord. 10-221. Sec. 11.15 - 10/1212010
Ord. 15-174, Sec. 1.01, 1.02, 2.02, 2.03, 3.02, 3.03, 4.01, 4.02,
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14.08, 14.09, 14.10, 14.13, 14 14, 15.02, 16.01, 16.02, 16.03,
17.02, 17.03, 17.04, 17.05, 18.01 & 18.02 • 1/512016
Ord. 16-173. Sec. 13.03 - 11/1512016
Ord. 17-052 Sec.14.14 - 4118/2017
Ord. 20-087. Sec. 1.01, 1.02, 4.02. 7.01, 7.03, 8.02, 9.11, 9. 18, 9.20, 10.01. 11.08, 11.11, 13.02, 13.05, 13.06. 14.02,
14.03 & 17 .04 - 81412020
Ord. 21-158. Sec. 14.08 - 09212021
Ord. 21-159. Sec.14.15 - 09212021
Ord. 21-160. Sec.14.16 – 09212021
Ord. 22-001. Sec.14-17 – 01182022
Ord. 22-154. Sec. 11.08, 11.20 – 090622
Ord. 22-199. Sec. 9-21 -111522
Ord. 23-133. Sec. 14.16 – 081523
Ord. 23-178. Sec. 11.10 – 103023
Ord. 24-208. Sec. 11.10 - 111124

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CITY OF PASADENA PERSONNEL POLICY MANUAL

Chapter 1 INTRODUCTION

1.01 Objective

This Employee Handbook is a compilation of information to assist employees of the City of Pasadena. A current version of this handbook is located in Human Resources and can be found on the City Intranet site. Each employee will be given a copy of this handbook at their New Employee Orientation, and a statement showing the receipt of the handbook will be made as part of the employee's personnel file. It may from time to time become necessary to make changes in this handbook. Changes may be made at any time and without notice. If changes are made, each department will be given a copy of the changes, to be furnished to each employee and each employee will be responsible for updating his or her own handbook. An up-to-date copy of this handbook shall be kept in each department for employee use and viewing.

This handbook is designed to provide the following goals:

- A. To promote the increased efficiency and economy in the service of the City.
- B. To provide fair and equal opportunity to all qualified applicants who enter City employment.
- C. To develop a program of positive recruitment, advancement and tenure which will make service to the City attractive and will encourage each employee to give his or her best service to the City.
- D. To set up and maintain a uniform plan of classification and pay based on the relative duties and responsibilities of all positions within the City.
- E. To promote high morale among City employees by providing good working relationships, a uniform personnel policy, opportunity for advancement and consideration for employee needs.

1.02 Applicability

This handbook applies to all City employees except where inconsistent with the proper application of the State Civil Service Statutes. Any rule or procedure contained in this handbook which will pertain to any department of the City of Pasadena shall be interpreted and applied to be consistent with all Charter provisions of the City of Pasadena about that department. This handbook shall be interpreted in a manner consistent with all applicable state and federal laws and the City Charter.

Chapter 2 GENERAL POLICIES

2.01 Equal Opportunity Policy

It is the continuing policy of the City of Pasadena to provide equal employment opportunity to all persons without regard to race, religion, color, national origin, sex, age over 40 years, or disability if otherwise qualified for the job.

This policy refers to recruitment, selection and placement, training, promotions, benefits, transfers, layoffs, termination, and any other matter affecting employees within the City. This policy will be administered to provide employees with the necessary opportunities for growth and advancement on the basis of individual merit, ability, and capability.

2.02 Sexual Harassment

Sexual harassment is illegal under both Texas and Federal law and will not be tolerated by the City of Pasadena. It is the policy of the City to provide and maintain a workplace for each of its employees which is free from sexual harassment. While it is not the purpose of this policy to regulate an employee's personal morality, sexual harassment is an act of misconduct. Any employee found to have sexually harassed another City employee or other person with whom the accused employee has had interaction partly or wholly because of his or her status as a City employee will be subject to disciplinary action. All supervisors are responsible for monitoring compliance with this policy. Department Directors and supervisors shall take appropriate steps to inform all workers under their supervision about this policy and of procedures for filing complaints.

Sexual harassment includes, but is not limited to, unwelcomed or undesired sexual advances, requests for sexual favors, and other verbal or physical sexual conduct, when submission is made a term or condition of an individual's employment or favorable treatment either explicitly or implicitly. It is also sexual harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's work. It may also be considered sexual harassment against a class of employees if another employee receives favored treatment by granting sexual favors or engaging in other conduct of a sexual nature.

Any employee who believes he or she is being subjected to sexual harassment should immediately discuss the situation with his or her supervisor, Department Director, or the Director of Human Resources. A supervisor who becomes aware of any sexual harassment, or who receives complaints of harassment from an employee must immediately advise his or her Department Director and the Director of Human Resources. Responsibility for investigating and correcting an occurrence of sexual harassment rests with the employee's supervisor, the Department Director and the Director of Human Resources working together.

Nothing in this policy or procedures shall be construed to mandate a "chain of command" for reporting sexual harassment. Any employee may file a complaint directly with the Department Director or Director of Human Resources if the employee does not feel comfortable discussing the situation with the Department Head or supervisor.

Any employee who complains or makes a report of sexual harassment in good faith will be protected from retaliation or reprisal for making the complaint or report; however, if a claim or report is made in bad faith, such employee may be subject to discipline.

2.03 Nepotism Policy

No applicant will be considered for a position under the direct supervision of any relative (within the third degree of Consanguinity or second degree of Affinity). This policy applies to all temporary, part-time, seasonal, or full-time employees, but will not require realignment of any existing staff.

Chapter 3

ADMINISTRATIVE PROVISIONS

3.01 Authority of the Mayor

Except for matters reserved to the City Council by Charter, the general and final authority for personnel management rests with the Mayor.

3.02 Responsibility of the Director of Human Resources

The Director of Human Resources shall advise management in all areas of personnel administration. This includes, but is not limited to salary administration, employee-management relations, training, and career development, employee benefits, and safety. The Director of Human Resources is the coordinator for compliance with the Americans with Disabilities Act of 1990.

3.03 Responsibility of Department Director

Each Department Director is responsible for administering the provisions of this handbook and related policies and procedures. He is expected to work closely with the Director of Human Resources to resolve personnel issues that may arise.

Chapter 4

DEFINITIONS OF EMPLOYEE

4.01 Full-Time Employee

A full-time employee is an employee who occupies a position designated as a full-time position, who is regularly scheduled to work a minimum of 40 hours per week. Such an employee is eligible for all benefits provided by the City of Pasadena.

4.02 Part-Time Employee

A part-time employee is an employee who occupies a position designated as a part-time position and who is regularly scheduled for less than 40 hours per **week**. Part-time employees are eligible for benefits as follows:

Sec. 13.02 Texas Municipal Retirement System - In a position that normally requires at least 1,000 hours of work in a year.

Sec. 14.04 Vacation - All part-time employees who work more than one thousand (1,000) hours in a calendar year shall be entitled to forty (40) hours of vacation.

Sec. 14.05 Sick Leave -All part-time employees who work more than one thousand (1,000) hours in a calendar year shall be entitled to sixty (60) hours of sick leave.

4.03 Seasonal Employee

A seasonal employee is an employee hired for a specific seasonal activity. Seasonal employees may work 40 hours per week, but are not entitled to any City benefit excepting those required by State or Federal law and City ordinance.

4.04 Temporary Employee

A temporary employee is an employee hired for a short period of time to meet a specific objective. Temporary employees earn no City benefit except those required by State or Federal law and City ordinance. Temporary appointments will be of no more than six (6) months duration.

4.05 Stipend Payroll

Certain positions in the City are paid at a flat rate without regard to the number of hours worked. Persons in these positions receive no employee benefits except those required by State or Federal law and City ordinance.

4.06 Probationary Employee

A probationary employee is a full-time employee who has not completed one full year of service.

Chapter 5

APPOINTMENT AND METHOD OF FILLING VACANCIES

5.01 Recruitment

All employee recruitment activities shall be conducted through the Human Resources and Police Departments. Recruitment activities should be done in compliance with Federal Equal Employment Opportunity Regulations.

5.02 Vacancy Announcement

The Human Resources Department will be informed when a vacancy has occurred or when one is anticipated by the affected department. The Human Resources Department will announce all vacancies in such a manner as to promote equal employment opportunity. Notices of position vacancies shall be posted internally on department bulletin boards and externally on the City Website and various other electronic job boards.

Directors and supervisors should not discourage employees from seeking promotions. The City will, whenever possible, promote qualified employees to fill vacant positions.

If necessary, following the five (5) day in-house posting period, the vacancy will be announced to the public. Advertisement for the position may be done at that time within the scope of City policies. Applications or resumes of current employees applying for other open positions must be received in the Human Resources Department before the posted deadline for application to the position. Applications received late will not be considered unless a suitable applicant is not found in the applications received timely. Applications of qualified persons not selected will remain active for six (6) months and will be considered to have applied on time if any similar vacancies occur in that period.

Chapter 6 EMPLOYMENT

6.01 Employment at Will

Anyone employed by the City of Pasadena may be suspended at any time with or without reason or cause. Nothing in this handbook gives any employee an expectation or right to continued employment. This handbook does not create a contract between the employee and the City of Pasadena.

6.02 Appeal of Termination

Full-time employees who have completed their probationary period may appeal an indefinite suspension or termination to City Council as provided in Article 11, Section 13 of said Charter.

Chapter 7 PROBATION

7.01 Probation Period

All employees shall be required to complete successfully a one-year probation period. A probationary employee may be terminated at any time during such probation period for any reason. The employee does not have recourse to appeal his dismissal to City Council. Any full-time employee that leaves the employment of the City for any reason and is later reemployed, must successfully complete a new one-year probationary period.

7.02 Purpose of Probation

The Department Director shall use the probation period to observe closely and evaluate the work of all probation employees. He shall encourage newly-appointed employees in their effective adjustment to their employment situation. Department Directors shall recommend for continued employment only those probation employees who meet an acceptable standard during the probation period.

7.03 Termination of Probation Employees

A probation employee may be recommended for dismissal at any time during the one-year probation period when, in the judgment of the Department Director, the quality of his work is not such as to merit continued employment. Separation should be immediate or as soon as practicable when it becomes apparent the employee will not or cannot make the adjustment to employment with the City.

Whenever it is found that a probation employee has made false statements in his application, or has committed acts of fraud or deception, or failed to submit pertinent information requested by the Human Resources Director, he may be terminated. If information is discovered which would have disqualified the employee from employment had such information been known on or before the date of hire of the employee, the employee may be terminated

The decision as to whether or not to terminate a probation employee shall be made at the will of the City. Termination of a probation employee may occur at any time with or without a reason or cause. The employee's job performance, physical or mental fitness to perform the duties of the position in which he is hired, general character and demeanor, adaptability to employment within the public sector, attendance record, safe work characteristics, ethics or other appropriate reasons may be taken into account in determining whether to continue employment.

Chapter 8

PROMOTIONS, DEMOTIONS, AND TRANSFERS

8.01 Promotions

A promotion is the assignment of an employee from a position in one classification to a position in a higher job classification. Promotional opportunities will be provided whenever possible to qualified City employees. When filling certain job classifications, the selection process may be limited to qualified City employees.

8.02 Temporary Promotions

A Director may, with the approval of the Director of Human Resources and the Mayor, temporarily promote an employee to ensure the proper performance of a City function. Temporary promotions may be justified while a position is vacant, or if the position's regular incumbent is absent and expected to be absent for four or more weeks. Employees who are temporarily promoted to a vacated position may be granted, but are not necessarily entitled to, additional pay for the duration of their temporary promotion at a pay rate determined by the Mayor. The granting of additional pay for temporary assignments shall be determined on a case-by-case basis. Employees who are temporarily promoted may be returned to the prior position at any time without cause or reason and do not accrue any benefits, privileges, or rights incident to the position temporarily held except as granted under this provision.

8.03 Demotions

A demotion is the assignment of an employee to a position in a lower job classification. A demotion requires the approval of the Department Director, the Director of Human Resources, and the Mayor.

- A. Voluntary Demotions - At his own request or as an alternative to a layoff, an employee may be administratively demoted to any available lower-level position, provided he is qualified to perform the duties of that position. A voluntary demotion is not a disciplinary action and does not disqualify the employee from consideration for future advancement.
- B. Involuntary Demotions - An involuntary demotion is a demotion to a lower-level position as a disciplinary action or when an employee is determined not to be qualified for the higher-level position.
- C. Salary - The salary of a demoted employee (voluntary or involuntary) will normally be adjusted downward to a point in the salary range of the lesser position.

8.04 Transfers

A transfer is the assignment of an employee from one position to another position in the same pay classification but in a different department or division. Transfers are personnel actions that require the approval of the receiving Department Head, the Director of Human Resources, and the Mayor.

The relocation of an employee from one worksite to another worksite within the department or division does not constitute a transfer if the employee is engaged in the same or similar position and pay classification, and no payroll adjustment is required. Such relocation is left to the discretion of the Department Director. Transfers may be considered for administrative convenience or upon the request of an employee. An employee also may apply for a transfer when a vacancy similar to his own occurs in another department or division.

All transfers will be done solely for the convenience of the City. A transfer or refusal to transfer is not a grievable action.

Chapter 9

CONDITIONS OF WORK AND CONDUCT

9.01 Working Conditions

Employees will be furnished the necessary vehicles, tools, equipment, facilities, and supplies to perform their assignments. Certain items of clothing, items for personal protection (shoes, prescription safety glasses, etc.) or tools may be required to be provided by the employee. Certain jobs may require the use of personal vehicles. With the proper approval of the Department Head, reimbursement may be made based on the rate schedule in effect.

Employees are expected to follow policies, rules, and procedures for the use of any vehicles, equipment, tools, supplies and facilities. Employees should arrange their personal affairs to reduce interference with work performance, including personal visits by friends and relatives, phone calls, and requests for absence from work for personal, financial, medical or other reasons.

Whenever possible, each department or division will review and actively seek the recommendations of employees concerning improvement of safety, efficiency and productivity.

9.02 Political Activity

Employees of the City shall refrain from political activity on City time for or against any candidate for elective office or for or against any issue or proposal affecting only City employees. While on City time, employees shall not circulate petitions or campaign literature for elective officials or candidates or be concerned with soliciting or receiving donations or political service on behalf of a person engaged in a political campaign. Nothing in this provision, however, is intended to remove any rights the employee might have as afforded him by the First Amendment to the United States Constitution.

9.03 Solicitations

Solicitation of funds or anything of value for any purpose shall not be permitted by or from City employees on the job except with express approval of the Mayor. No employee may be required to make any contribution or be penalized or rewarded in any way in connection with his employment as a result of his response to a solicitation.

9.04 Equal Treatment of Citizens

No employee shall grant any special consideration, treatment or advantage to any citizen, individual, or group beyond that which is available to every other citizen.

9.05 Conflict of Interest

No employee shall transact any business on behalf of the City in his official capacity with any business entity of which he is an officer, agent, or member, or in which he owns a substantial interest. When a business entity seeks a business arrangement with the City, any employee who is an officer or employee of that business shall make known his interest in the enterprise. All business dealings with that company shall be turned over to his superior and the employee shall have nothing further to do with the matter involve.

9.06 Use of Position

No employee shall represent, directly or indirectly, or appear on behalf of private interests of others before any agency of the City or any City board or commission, nor shall he represent any private interest of others in any action or proceeding involving the City, nor shall he ever accept any retainer, gift, or compensation that is contingent upon a specific action taken by the City or any of its agencies. No employee shall use his official position to secure special privileges or exemptions for himself or others.

9.07 Receiving Compensation

No employee shall receive any fee, gift or other compensation for his services as an officer or employee of the City from any source other than the City except as may be otherwise provided by law. This shall not prohibit his performing the same or other services for a private organization that he performs for the City if there is no conflict with his City duties and responsibilities.

9.08 Accepting Gifts

No employee shall solicit nor accept any gift or favor from any person, firm or corporation that might reasonably influence him in the discharge of his official duties; nor shall any employee grant in the discharge of his official duties, any improper favor, service, or object of value.

9.09 Use of City Property

City equipment, property, and facilities shall be used for official City purposes only. Use of City vehicles to transport unauthorized persons is prohibited. Information, equipment, and materials developed by employees on City time, are the property of the City and may not be used by the employee in other employment or for personal gain.

9.10 Use of Privileged Information

No employee shall disclose information that could adversely affect the property, government or affairs of the City, nor directly nor indirectly use any information gained by reason of his official position of employment for his own personal gain or benefit or for the private interest of others.

9.11 Outside Employment

Cases may arise when employees wish to be involved in outside employment and business activities. Although it is not the policy of the City to be unduly restrictive, these activities must not in any way detract from the employee's performance, or create a conflict of interest between the employee's City job and the outside interest. Discretion and good judgment must be the underlying guidelines and the following rules shall govern such activity:

- A. In no instance can any employee hold a job or engage in an outside business interest which conflicts with a City job or which would give the employee an undue advantage because of the employee's position with the City.
- B. Outside business activities must not interfere in any manner with the employee's City job responsibilities, performance or attendance.

C. Employees may not use City property, equipment, facilities, or telephones for outside business activities or for personal gain.

D. Outside activities must not be conducted during normal City working hours.

9.12 Level of Conduct

All employees shall maintain a high level of personal conduct both on and off the job.

9.13 Treatment of Public

All employees shall render courteous treatment to the public. The use of profanity and abusive language when dealing with any citizen shall be avoided at all times.

9.14 Deliberate Thwarting

No employee shall knowingly perform or refuse to perform any act to deliberately thwart the execution of City ordinances, rules or achievement of official City programs.

9.15 Criminal Acts

No employee shall engage in any dishonest or criminal act or any other conduct prejudicial to the government of the City of Pasadena or that reflects discredit upon the government of the City of Pasadena.

9.16 Appropriate Dress

Appropriate dress will be determined by each Department Director.

9.17 Punctuality

All employees are expected to report to work on time and to be diligent in performance of their assignments.

9.18 Physical Fitness

It shall be the responsibility of each employee to maintain a standard of physical fitness required to perform his job. When a Department Director suspects that the physical condition of an employee presents a hazard to himself, other employees, the general public, or to property, he may request the employee to submit to a medical examination by a physician approved by the Director of Human Resources. The employee shall be paid for the time required for such examination which shall be conducted without expense to the employee. The sole purpose of the examination shall be to determine the employee's physical condition relative to City employment.

When the physician determines that the employee is temporarily unable to perform his assigned duties, the employee shall be excused from work on a leave of absence until he is certified by the physician or another physician approved by the Director of Human Resources that he is again physically fit. The employee is entitled to use any available sick leave and vacation he may have during this period. When the doctor determines that the employee is no longer qualified for his position or he is no longer able perform his assigned duties, the employee may be separated from the job. In this event, the

employee may be eligible for retirement under the rules of the Texas Municipal Retirement System.

At any point in the process to determine physical or mental fitness, the employee shall be allowed, at his own expense, to present contrary medical evidence. Such evidence must be considered and resolved before any action is taken against the employee.

9.19 Safety

Employees are expected to participate in health and safety training programs and are required to observe rules and instructions. (Refer to City Safety Manual for additional information).

9.20 Fleet Safety

Employees must routinely use City vehicles to conduct City business. How those vehicles are used can directly affect the business of each City department and division. Wrecks are potentially the most costly losses the City can incur considering possibilities of property damage, bodily injury, fatality and liability suits.

- A. No employee will operate a City-owned vehicle or City-owned machinery or equipment without authorization.
- B. Qualified Driver
 - 1. A person operating a City vehicle must be qualified to do so:
 - a. A qualified driver must possess a valid Texas Driver's License of the class required to operate the vehicle he or she is driving on Texas public streets. An expired license disqualifies a driver.
 - b. A qualified driver must not have had a DWI or DUI driving conviction within the immediate past twelve (12) months, including those offenses remedied by fine, imprisonment, community service, driver's education, modified driving privilege, deferred adjudication, or other judicial remedy.
 - c. A qualified driver must show that he or she knows how to drive the vehicle by passing the licensing requirement of the State of Texas for that vehicle or must show that he or she knows how to operate equipment to the Fleet Maintenance Director or his appointee.
 - 2. A non-qualified driver or operator may be disciplined for the offense, "operating City equipment without authorization," up to and including termination of employment. The non-qualified driver's or operator's supervisor can likewise be disciplined for allowing him or her to do so.

3. A driver may become disqualified
 - a. By letting his or her driver's license expire.
 - b. Through incompetence or carelessness in operating the assigned vehicle.
 - c. For safety violations, failure to properly maintain equipment, or misuse of equipment.
 - d. Upon commission of a DWI or DUI offense.
 - e. As a disciplinary action, or for failure to complete a disciplinary assignment
 - f. For unauthorized use of a City vehicle.
 - g. In the interest of the City.

4. Disqualification of a driver or operator may be a cause for additional disciplinary action beyond disqualification. When the job assignment of an employee requires him or her to drive a vehicle or operate equipment, and the employee becomes disqualified, then he or she will be removed from the job. This can be accomplished by reassignment, demotion or termination of employment.

C. Staff Responsibilities

1. Department Head - The Department Head has the ultimate responsibility for ensuring those under his or her direction use and operate equipment and vehicles in a safe, non-abusive manner. Steps should be taken to:
 - a. Establish policies for using equipment and driving vehicles and expect employees to follow them.
 - b. Establish documented periodic inspections of all assigned vehicles for safety discrepancies, functions, signs of abuse, reported damage, and cleanliness. See that repairs are made immediately. Insist that all assigned vehicles are maintained adequately for safe operations.
 - c. Review accident reports with the employee and his supervisor to emphasize intolerance for irresponsibility and lack of care behind the wheel and in the operation of equipment.
 - d. Take immediate remedial action when an employee or supervisor shows disregard for safety rules, misuses or allows misuse of equipment or machinery, shows continual bad judgment in driving habits, and acts irresponsibly regarding City property.

2. Supervisor - Supervisors have direct authority over employees and are responsible for their work product, their work environment and their safety. Steps should be taken to:

- a. Ensure that employees do not drive or operate any City vehicle or equipment unless they are qualified drivers, they have a valid State of Texas Driver's License, or they know how to properly operate the machinery assigned.
 - b. Ensure that only authorized personnel be allowed to operate City vehicles, special purpose vehicles and trucks. Pay particular attention when the vehicle's operation is governed by DOT regulations and/or reporting requirements. An employee will not be allowed to operate a special purpose vehicle, equipment or machinery until he or she has satisfactorily demonstrated his or her complete familiarity with its functions. The employee will thoroughly understand the manufacturer's operating instructions, emergency procedures, and be able to successfully pass an operator's checkout test to the satisfaction of the Fleet Services Director or his duly authorized representative.
 - c. Be alert in observing unsafe driving practices of City employees and ensure that action is taken immediately to correct the driver.
 - d. Review all preventable vehicle collisions with employees at Safety Meetings and discuss each unsafe act, its cause, and its prevention so that something can be gained from the loss.
 - e. Periodically ride with special purpose vehicles and truck drivers to check for compliance in operating instructions and traffic regulations.
 - f. Ensure that work rules are established to require inspection of vehicles before operation as necessary. Vehicles used continually on the streets should be inspected daily before use. Checkoff lists should be developed to document these inspections. Other vehicles should be visually inspected at least once a week.
 - g. Ensure that unsafe vehicles are not driven until safety discrepancies have been corrected by the Fleet Maintenance Shop.
3. Driver or Operator - Employees are expected to follow defensive driving practices which are established for the protection of themselves, their fellow employees, and the general public. Steps should be taken to:
- a. Inspect vehicle which he or she is about to drive, in accordance with established work rules. If there is evidence of damage or if the vehicle is found to be unsafe, the employee shall report it immediately. Employee should refuse to drive an unsafe vehicle. Vehicles having steering or braking defects shall be towed to the garage and repaired before being returned to service.
 - b. Drive defensively. When changing lanes, backing up, or making turns, the driver should be certain there is no other vehicle, pedestrian or object in the way. When entering an intersection, the driver should ascertain that all cross traffic has stopped or is in the process of stopping. An accident that could have been prevented by proper lookout, even when the driver had the right-of-way, will be considered to be as serious as one in which the driver was determined to be at fault.

- c. When an accident occurs, drivers are expected to follow the reporting procedure described in this policy without exception.

D. Accident Reporting

1. Police Notification - All accidents involving City-owned vehicles require immediate police notification. Reporting the accident must be accomplished before the vehicles are moved. It does not matter where the accident occurred, public street or private property, nor how minor the accident appears to be. The Police Department must be notified. Failure to report the accident to the Police will result in disciplinary action up to and including termination. There are no valid exceptions to this directive.
2. Accident Reporting Procedures
 - a. Call Dispatch to report the accident. Use radio equipment, if available; otherwise, call (713) 477-1511 days or (713) 477-1221 nights. Report the location of the accident.
 - b. If there are apparent or possible injuries, notify Dispatch.
 - c. If you are a CDL driver, tell Dispatch that the Human Resources Department must be contacted.
 - d. Notify your supervisor.
 - e. Get the name of the other driver or participant.
 - f. Get the license number of the other vehicle.
 - g. Do not leave the scene of the accident.
 - h. Do not move the vehicle(s), even if the accident is minor and traffic is being blocked. The final position of the vehicle is extremely important evidence for the investigating Police Officer to determine what happened. When you move a vehicle before you are cleared to do so, you destroy the evidence.
 - i. Call the Fleet Director and the Safety Coordinator. Numbers will be provided by your Supervisor.

E. Post-Accident Drug Testing

1. When an accident occurs involving a City vehicle, the driver (other than Police personnel and CDL drivers) is subject to immediate drug and alcohol testing under the following conditions:
 - a. When there is a fatality
 - b. When an injury to any party involved requires treatment away from the scene.

- c. When the damage done to either vehicle requires it to be towed from the scene.
2. The alcohol test shall be conducted within two hours following the accident. If the test cannot be performed within that time period, the reasons will be documented. The attempt to test for alcohol shall continue for up to eight (8) hours, after which no test will be administered. Failure to test for alcohol shall be documented.
3. The drug test shall be conducted as soon as possible, but no later than thirty-two hours following the accident. The drug test shall be conducted in accordance with Ordinance 90-122.
4. All reasonable steps will be taken to obtain a drug and alcohol sample from the employee after the accident. In the case of a conscious but hospitalized employee, the hospital or medical facility will be requested to obtain a sample. In the case of an unconscious employee or employee who is otherwise unable to consent to the procedure(s), the medical facility shall collect the sample after ensuring the employee is stabilized.
5. If, following a qualifying accident, the employee refuses to be tested, that employee will be removed from duty and will be subject to disciplinary action up to and including termination of employment.
6. Police personnel shall be tested in accordance with the rules or directives of the Chief of Police.
7. CDL drivers shall be tested in accordance with Ordinance 96-22, "Alcohol and Drug Policy for Commercial Motor Vehicle Drivers."

F. Fleet Safety Committee

1. The Mayor shall appoint a Fleet Safety Committee consisting of not less than five members representing employee groups. The committee shall have the duties to:
 - a. Review monthly all accidents involving City vehicles (other than Police).
 - b. Assess the actions of the driver involved in the accident.
 - c. Make recommendations for disciplinary action, if warranted.
 - d. Advise the Safety Coordinator on issues of vehicular Safety Policy.
2. The Safety Coordinator shall act as chairman for the committee, but shall not be a voting member. The Fleet Maintenance, Traffic, Legal, and Police Departments shall also provide support staff for the committee as non-voting members.

3. The Safety Coordinator shall prepare case files for the committee, shall conduct its meeting, shall provide for the minutes of the committee meetings, and shall prepare and issue the findings and reports of the committee to appropriate parties.
4. Recommendations for discipline from the committee shall be administered by the Human Resources Director.

G. Seat Belt Policy

It is the policy of the City of Pasadena that seat belts and shoulder harnesses shall be used when driving City vehicles in accordance with State law governing their usage. Violators of this policy may be subject to the remedies provided by State law and loss of driving privileges.

9.21 Weapon-Free Workplace

The City prohibits all employees from possessing or storing a weapon in a City vehicle, City building, or on the employee's person while on duty or at any time while engaging in City-related business.

For the purposes of this section, "weapon" includes, but is not limited to, a firearm, club, explosive device, knife with a blade exceeding 4 ½ inches (*except when authorized by job duties*), switchblade knife, any instrument that is specially designed, made, or adapted for the purpose of inflicting serious bodily injury or any other instrument which is specifically used to cause serious bodily injury.

For the purposes of this section, "possession" includes within the employee's actual care, custody, or control, except for a firearm or ammunition transported or stored in a locked, privately-owned motor vehicle in accordance with state law.

Any employee in violation of this policy will be subject to disciplinary action, up to and including termination.

This prohibition does not apply to law enforcement personnel who have been authorized to carry a weapon. The provisions prohibiting the possession or carrying of a club do not apply to a code enforcement officer in compliance with Penal Code §46.15 (h) nor an animal control officer in compliance with Penal Code §46.15 (g).

Chapter 10

PERSONNEL RECORDS

10.01 Personnel Files

City files and records, including personnel files, are subject to disclosure in accordance with the Texas Public Information Act - V.T.C.A. Government Code Section 552.024. Each employee shall state in writing no later than 14 days after starting work at the City whether or not to allow public access to the employee's home address and telephone number. Each employee or his or her authorized representative has the right of access to his or her own personnel file. Each employee has the right and responsibility to correct any inaccurate information in the personnel file.

10.02 Information Disclosure

All requests for information concerning current, retired or past employees should be referred to the Human Resources Department to protect the employee's right to privacy.

Chapter 11

CLASSIFICATION AND COMPENSATION

11.01 Position Classification

The Director of Human Resources will prepare and maintain a Position Classification Plan for all City positions. All positions may be assigned an official job title and description of duties and minimum qualifications. Each position will be assigned a paygrade. Each new or revised position must be reviewed and approved by the Director of Human Resources and the Mayor.

11.02 Exempt and Non-Exempt Employees

All positions are classified as either exempt or non-exempt from the overtime provisions of the Fair Labor Standard Act. When the number of hours worked in the seven-day workweek exceeds 40 hours, exempt employees do not receive overtime pay; non-exempt employees must receive overtime pay. Exempt employees may earn compensatory time for their work over 40 hours; non-exempt cannot earn or use compensatory time.

11.03 Job Titles

Each job will have an official job title which shall be used in all personnel matters, payroll records, and budgets.

11.04 Compensation Plan

The Director of Human Resources shall be responsible for preparing and administering a Compensation Plan for all City employees. The Human Resources Department shall be responsible for conducting salary and benefits surveys for the City. Survey information will be used for making recommendations to the Mayor and City Council on pay policies and benefit plan changes to keep the City's plan current, fair and competitive.

11.05 Salary Administration

- A. Probationary Employees - A new employee shall normally receive a salary at the beginning salary of his pay range. A starting salary above the beginning wage is possible, but must be requested in writing with support and justification by the Department Director. Only the Director of Human Resources, having consulted with the Mayor, can offer a salary higher than the minimum.
- B. Transfers -An employee who transfers laterally from one position to another position in the same pay range shall continue to receive the same salary as he received prior to the transfer.
- C. Demotions - An employee who is demoted from one position to another position having a lower pay grade shall be paid at a rate within the lower range as determined by the Department Director and the Director of Human Resources and approved of the Mayor. All demotions require a reduction in salary unless otherwise directed by the Mayor.

D. Maximum Rate of Pay - A maximum salary for each salary grade shall be established which shall be the highest salary paid in that grade. No person shall be paid more than the maximum for his salary grade except cases where a job was downgraded in the reclassification process; where there is a change in the labor market; or where cost of living increase causes this maximum to be exceeded.

11.06 Merit Raise

A Department Head may from time to time reward good and steady work or exceptional abilities with a recommendation for a merit raise. Requests for merit raise consideration should be accompanied by adequate justification for the consideration. In granting a merit raise, the Mayor must consider the work record of the individual, his performance, and his diligence to duty.

11.07 Pay Cycle and Paychecks

A pay period is completed every two (2) weeks and ends at midnight every other Sunday. Payday shall be the following Friday. If a payday falls on a holiday, paychecks will be issued on the last work day prior to the holiday.

Paychecks will be given to someone other than the employee only if the employee provides advanced written permission.

11.08 Termination Pay

All employees who leave the service of the City for any reason shall receive all pay that may be due them with the following qualifications:

- A. Separation date for all employees shall be the last day work was actually performed unless an employee is terminally ill and cannot work as a result thereof. Such persons may remain employed until all personally accrued leave and any donated leave are exhausted or until death occurs. Donated leave shall not count as personally accrued leave for purposes of terminal pay.
- B. Full-time employees who have completed their probation period and who are laid-off shall be entitled to eighty (80) hours severance pay. Employees who quit, retire, or who are terminated for cause shall receive no severance pay.
- C. To qualify for terminal pay attributed to vacation, an employee must have completed six (6) months of service. To qualify for terminal pay attributed to sick leave, an employee must have completed three (3) years of service. There is no required minimum service time to be paid accrued and unused holiday time. This applies to both full-time and part-time employees.
- D.
 1. Caps on terminal pay for vacation and sick leave do not apply to employees whose most recent hire date or adjusted date of hire is before March 3, 1992 and who are employed on the effective date of this ordinance.
 2. Compensation at termination for accumulated leave for employees whose hire date or adjusted hire date is on or after March 3, 1992 is capped at 240 hours vacation and 720 hours sick leave. Part-time employees' caps are set at 120 hours vacation and 360 hours sick leave.

3. For pay purposes only, an "adjusted date of hire" will apply as follows:
 - A. Employees who were employed by the City prior to March 3, 1992 and were subsequently reemployed after a gap in service shall have any lost benefits bridged in order to be treated equally with employees who had or have no gap in service.
 - B. For termination pay purposes only, adjusted date of hire shall include credit for previous City of Pasadena service and/or verifiable military service credit approved by TMRS. A maximum of one year (12 months) military credit is allowed.
 - E. At termination, employees will never be compensated for more vacation or sick leave than that actually accumulated.
 - F. Terminating employees will not be entitled to partial refund of monthly health insurance premiums, severance pay (except lay-offs), or, except for Police Officers, payment for unused compensatory time.
 - G. Vacation and sick leave, used for reasons other than bona-fide illness, allowed personal time, or more than one year's accrual of vacation leave during the final six (6) months of employment will be reduced from the cap for terminal pay purposes. To qualify for a bona-fide illness, the employee shall submit a statement from his or her physician documenting the illness. The statement should contain sufficient information to validate an illness or injury. A mere "Doctor's Excuse" is insufficient.
 - H. Employees with a hire date on or after, or with an adjusted hire date on or after, October 1, 2022, who have any unused and accrued holiday time upon termination will be paid straight time at the employee's regular rate of pay as of the date of separation for up to a maximum of 100 accumulated holiday hours. Employees with a hire date prior to, or with an adjusted hire date before, October 1, 2022, do not have a holiday cap.

11.09 Payment in Lieu of Vacation

At the discretion of the Mayor and in the case of an emergency or other justifiable circumstance, an employee may request a cash payment in exchange for unused vacation days. The vacation days turned back in under this provision cannot exceed the number of days the employee has accumulated for pay at termination. They are permanently deducted from that accumulation, as well as employee cap. The effect of exchanging this vacation time for cash is an early settlement of termination pay for unused vacation.

Employees will not receive payment for vacation days not yet earned.

11.10 Longevity Pay

All full-time employees earn longevity pay at a rate of one hundred thirty-two dollars (\$132) per year for each completed year of service. The longevity year is from December 1st through November 30th. Longevity is paid the Wednesday before Thanksgiving as such time was recorded November 30th of the current year. Due to Civil Service statute, Police Officers receive longevity on a bi-weekly basis. Longevity shall not be paid until an employee has completed a full year of continuous service with the City, including time spent

on authorized military leave (see Section 14.08) but not including any other period of time in excess of 180 days which the employee is absent. In computing time of service, all full-time employees will be given credit for verified full-time previous service. Employees who leave the service of the City for any reason shall be paid a pro-rated amount of their accumulated longevity pay. If an employee leaves the service of the City after the 15th of the month, the employee shall have earned longevity pay for that month.

11.11 Overtime and Fair Labor Standards Act Requirements

Employees shall work overtime hours when necessary, but only with the advanced approval of their supervisor. Employees may be disciplined for working overtime without prior authorization. Overtime opportunities should be distributed evenly as possible among all divisional employees qualified to do the work. In the event of an emergency, employees may be required to work overtime whether they want to or not, and maybe disciplined for refusing to do so. Non-exempt employees must be paid for all hours worked in excess of forty (40) hours during a workweek. Payment shall be made at the rate of time-and-a-half the employee's base hourly pay (double time for the seventh consecutive workday). No time can be carried over from one workweek to the next: each workweek must stand alone. Time will be figured to the nearest quarter-hour. Non-exempt employees, except Police Officers, cannot accumulate compensatory time. Exempt employees cannot be paid overtime, but can accumulate compensatory time. In order to be paid, overtime hours must be authorized by the supervisor and Department Director and be fully documented on departmental timesheets submitted each payroll period. Scheduled holidays, vacation days, and time off for jury duty or military leave will be considered hours worked for purposes of calculating overtime. Unscheduled absences or time off for sickness, emergencies, or other personal reasons will not be considered for overtime purposes.

11.12 Compensatory Time

Civilians

Compensatory time may be allowed on a one for one basis, or straight time method only to those employees who are not Department Directors or Police Officers, but who are exempt from overtime pay. Police Officers compensatory time shall be governed by State and Federal law. Such employees will work the additional time when required, but those hours must be authorized by the supervisor and Department Director. A record must be kept in each department of all compensatory time earned and taken. This record must be made available to the City Controller's Office for inspection at any time. Compensatory time should be used within the pay period in which it is earned, but in no event shall compensatory time be allowed to accrue beyond ninety (90) days after it is accrued. Compensatory time will never accrue for pay purposes; when an employee leaves the service of the City, all compensatory time he or she may have accrued is forfeited. Unnecessary accumulation of compensatory time will not be allowed. Department Heads should review the circumstances for earning compensatory time periodically, and may disallow compensatory time needlessly accrued. Compensatory time cannot be taken before it is earned. The use of compensatory time shall be applied for and approved in the same manner as vacation.

Department Directors are not eligible to accrue compensatory time without the express prior approval of the Mayor.

Police Officers

Police Officers compensatory time shall be governed by State and Federal law. Police

compensatory time must be paid at the overtime rate.

11.13 Alternative to Overtime - Flextime

Overtime control can be achieved by the use of flextime with approval of their supervisor. When overtime is required during a seven-day workweek, the hours of work for that week can be flexed so that the hours of overtime are substituted for time off during the regular working hours. This substitution can be made either before or after the overtime is scheduled, but can be done only within the normal seven-day workweek affected. Caution must also be taken that the regular business hours of operation are adequately covered. When scheduling flextime, the supervisor should give consideration to an employee's personal time requirements.

11.14 Call Back

Non-classified employees scheduled for "Stand-By" or "On-Call" duty shall receive one (1) hour of leave time for any such duty within a 24 hour period, whether called or not. Employees granted leave time for being on "Stand-By" or "On-Call" duty may accrue this time to be used at a later date, with authorization from their supervisor. All accrued "Stand-By" or "On-Call" leave time must be used within 60 days of date it was accrued. Any of this accrued time for "Stand-By" or "On call" duty will not be paid as part of "Termination" pay when the employee leaves employment with the City.

Non-classified employees entitled to overtime (non-exempt) who are called back to duty during off time shall be paid a minimum of two hours (2) straight time or the actual hours worked at straight time, whichever is greater. Any of the hours paid for being called back to work shall be used to calculate overtime pay at the end of the workweek. The 24-hour period begins and ends at the employee' s assigned time to report to work on a regular workday.

11.15 Payroll Deductions

The Mayor may, upon request by an employee, and written authority, authorize the City Controller to make regular payroll deductions from the employee's paycheck for savings or payments on loans to the Pasadena Municipal Federal Credit Union, for approved insurance premiums, for retirement programs, or for any purpose approved by the Mayor or required by law.

11.16 Assignment of Wages

No assignment of an employee's wages, earned or unearned, as a transfer or a security for a debt, shall be binding on the City of Pasadena. No wages, earned or unearned, shall ever be subject to garnishment unless by proper application and procedures set forth by Federal or State law.

11.17 Pay Changes Resulting from Promotions, Demotions, Transfers, and Reclassifications

- A. When an employee is promoted or reclassified into a higher pay group and his current rate of pay is less than the minimum rate for the new position, then his salary shall be increased to the new minimum rate.
- B. When an employee is promoted or reclassified into a higher pay group and his current rate of pay is within the pay range for the new position, then his pay may remain the same or it may be increased so long as it does not exceed the maximum for that pay range.
- C. In the rare event that an employee is promoted or reclassified into a higher pay group and his current rate of pay is higher than the maximum for the new group, then his pay may be frozen at the old rate of pay at the discretion of the Mayor.
- D. When an employee is demoted or reclassified into a lower pay group and his current rate of pay is higher than the maximum for the new position, then his pay will be lowered at least to the maximum of the new pay range.
- E. When an employee is demoted or reclassified into a lower pay group and his current rate of pay is within the pay range for the new position, then his pay may be decreased or remain the same as recommended by the Department Director. His new rate of pay should not be less than the minimum for that pay grade.
- F. When an employee is transferred or reclassified into another position in the same pay grade as before, his salary normally will remain the same as it was previously.

11.18 Reduction in Pay

A Department Director may recommend to the Mayor, in writing, that an employee's pay be reduced. The request will state his reasons for the reduction. If approved, a copy of the request will be furnished to the employee and a copy will be placed in the employee's personnel record. A reduction in salary shall not deprive an employee of the ability to earn or receive future pay increases.

11.19 Total Remuneration

No employee shall be paid at a rate more than the maximum for his paygrade, unless approved by ordinance.

11.20 Accrued Sick Leave Redemption

Eligible employees shall have the option to redeem or “sell back” up to forty (40) hours of accrued and unused sick leave, in no less than 1-hour increments, each fiscal year (October 1st – September 30th). Funding for the accrued sick leave redemption is subject to City Council approval annually and is on a first come first serve basis.

Eligibility

The employee must meet all the requirements listed below in order to redeem their accrued unused sick leave:

- (1) Have five (5) years of continuous (i.e., no separations from the city) service with the City, classified as a full-time employee, at the time of the redemption request; and
- (2) Must have a minimum balance of at least 480 hours of accrued sick leave remaining after the payout of accrued and unused sick leave to ensure the employee has twelve weeks of paid leave.

Requests for redemption must be submitted to the Director of Human Resources, or designee, in writing during any month except September (the last month of the fiscal year). Human Resources will verify compliance with the listed requirements above and notify Payroll of the number of hours of sick leave approved to be paid to the requesting employee if any. The proceeds from this redemption will be paid to the employee on the paycheck received no later than by the last pay period following the month requested. Essentially, employees who submit redemptions should anticipate that it may take up to 60 days to receive payment.

Payment

Redemption is payable at the employee’s current rate of pay as of the date of disbursement and the hours redeemed will reduce the employee’s sick leave cap, unless prohibited by State or Federal law, such as Section 143.045 of the Texas Local Government Code.

Chapter 12

PERFORMANCE APPRAISAL

12.01 Responsibility of Human Resources Department

The Director of Human Resources shall formulate proper procedure for annual performance appraisals for each employee of the City to be done each February. The Human Resources Department will be responsible for furnishing proper forms for ratings and for training supervisory personnel on methods to perform an evaluation and fill out the rating forms properly.

12.02 Responsibility for and Distribution of Evaluations

The efficiency reports shall be made on each employee by his immediate supervisor. After completion, the original report and two copies are sent to the division supervisor who shall review the report for correctness and appropriateness. The division supervisor will review the report with the Department Head who will approve the report. A copy of the report will be given to the employee who was evaluated and the original and one copy to the Department Director. The copy is retained by the Department Director and the original is sent to Human Resources for the evaluated employee's personnel file.

12.03 Acknowledgement by Employee

Each employee shall be requested to sign the performance rating. The employee signature means only that the evaluation has been discussed with him and not that he agrees with it. It also will serve as a receipt for the copy of the evaluation. If an employee refuses to sign the performance rating, the refusal shall be noted on the form and signed by the evaluation supervisor and one witness.

12.04 Report to Mayor

The Director of Human Resources will review the performance rating and report annually to the Mayor his assessment of the problem areas within the personnel structure and his recommendations for changes to eliminate or reduce the problems incurred and to increase performance.

Chapter 13

EMPLOYMENT BENEFITS

13.01 General

The City Council of the City of Pasadena has provided a wide variety of employment benefits to the employees of the City. While some, such as Workers' Compensation, are required, the larger part of these benefits are provided simply to enhance the welfare of City employees. Nothing in these policies connotes a contractual agreement between the employer and employee to provide benefits other than those required by law. The City Council reserves the right to cancel, decrease, change, increase, and, or modify in any way the benefit package of City employees.

13.02 Texas Municipal Retirement System

The City of Pasadena participates in the Texas Municipal Retirement system (TMRS). All full-time employees are members of the retirement program as a condition of employment. Some part-time employees are eligible (See definitions sec 4.02). Membership is effective on the date of hire.

A portion of the employee's salary is paid into the retirement system, such amount being determined by the City Council within guidelines established by the TMRS. The City also contributes an amount in order to guarantee a retirement income to each employee.

The rule governing retirement age, condition of retirement, vesting, and other aspects of the retirement program change periodically. Each employee is given a handbook concerning TMRS periodically which explains the current options available. At least thirty (30) days notice is requested when an employee plans to retire. All applications must be in Austin by the last day of the month preceding the retirement month. Application retirement can be made at the Human Resources Department.

Persons, other than retirees, who leave the employment of the City, can apply to the Texas Municipal Retirement System for a refund of their individual deposits and any interest they may have drawn when they leave. Persons who are not vested can leave their deposits to earn interest in the system for sixty (60) months, after which time they must be claimed or forfeited. Persons who are vested may leave their deposits in the system until they qualify for a retirement program. Persons going to work for another City can transfer credit in the retirement system to the new employer. Persons going to work for an associated retirement system, such as the Employees Retirement System of Texas, can also transfer credit.

It normally takes from six to eight weeks from the date of application for the refund to occur. The retirement benefit includes a death benefit. Questions about the TMRS should be addressed to the Director of Human Resources.

13.03 Cafeteria Plan

Pursuant to Section 125 of the Internal Revenue Code, the City has adopted a "cafeteria plan" for employee benefits. Under this plan, the employee may request that certain qualified benefits be paid as a before-tax fringe benefit rather than an after-tax

payroll deduction. By doing this, the employee accepts a salary cut in exchange for an equally valued fringe benefit. Since fringe benefits are not taxable, the employee decreases his base for tax liability and for FICA contributions (but not retirement). The net result of taking this option is an increase in take-home pay. Because there **is a** decrease in FICA contributions, there may be a decrease in Social Security benefits when the employee retires. Careful planning may negate this decrease in those benefits.

The Director of Human Resources can be contacted for information about the cafeteria plan.

13.04 Workers' Compensation

Workers' Compensation is provided for all City employees. Workers' Compensation coverage is designed to compensate all employees for job-related illnesses or injuries. The rules and procedures for qualifying for this benefit may be found in the section on "On-The-Job" injuries.

13.05 Deferred Compensation

Employees may be eligible to participate in a deferred compensation program. These programs allow employees to defer monies into tax sheltered accounts. The City Controller's Office can be contacted for information about the deferred compensation programs.

13.06 Education Reimbursement Program

Whenever an employee is pursuing an independent course of study which will increase his productivity or value as an employee, the City may reimburse him for up to 80% of his tuition, books and fees (maximum of \$3,500 reimbursement per calendar year) upon satisfactory completion of the course of study. "Satisfactory completion" means a grade "C" or above in an undergraduate level course or graduate level course and "Pass" in Pass/Fail courses. For those courses for which grades are not assigned, a certification of satisfactory completion will serve as proof of course completion. Participation shall normally be allowed on a first come-first serve basis at the 80% level, not to exceed \$3,500 per calendar year.

Courses eligible for this program are those type which involve a series of classroom sessions or online sessions by which the employee earns college credits, general education development certification, or similar certification from an accredited school. Short schools, seminars, and workshops shall continue to be provided through other departmental training and education resources. Employment contracts will be required on specialized training and certifications.

In order to participate in this reimbursement, an application shall be made to the Human Resources Department indicating the time and course of study, the potential benefit to the City, and the estimated cost of the course. The application must be endorsed by the Department Head and must be approved by Human Resources before the course of study begins. Payment will be made with proof of satisfactory completion of each course segment.

An employee that receives a reimbursement of tuition from the City of Pasadena will be required to reimburse the City for any payments made to the employee for tuition reimbursement if that employee leaves the City's employment for any reason prior to 24

months from the date of payment made to the employee for reimbursement of tuition, as defined by this policy.

The employee acknowledges that the total amount of education assistance shall be reimbursed by the employee to the City of Pasadena if the employee leaves employment for any reason, excluding death, disability or involuntary Reduction in Force (RIF), within 24 months following the date of payment made by the City to the employee for the tuition assistance. Reimbursement to the City for its repayment of tuition shall first be taken from the employee's final check, and any remainder of the reimbursement by the employee shall be immediately due and payable to the City.

Employee requesting tuition reimbursement shall sign a document agreeing to this procedure prior to the receipt of any monies from the City for tuition reimbursement.

Participation shall normally be allowed on a first-come first served basis at the full 80% level. However, in order to allow maximum participation, the City reserves the right to pro-rate available resources when demand upon budgetary resources require it to do so.

13.07 Memberships, Fees, and Licenses

The City will consider payment of appropriate membership dues or fees to professional organizations for employees when such membership is a requirement of the employee's specific job or when the City derives benefit from the membership.

Professional licenses may be paid by the City only when they are not a prerequisite for employment and are necessary to do the specific job for which the City employs the individual. Licenses to drive vehicles of any type are always paid by the individual without reimbursement.

13.08 Short-Term Disability

Employees that are absent from work due to a non-work related illness or injury may qualify for Short-Term Disability benefits. Contact Human Resources to receive information about the benefits.

13.09 Long-Term Disability

Employees that have exhausted any Short-Term Disability benefits may qualify for Long-Term Disability benefits. Contact Human Resources to receive information about the benefits.

Chapter 14

ATTENDANCE AND LEAVE

14.01 Hours of Work

A full-time employee is scheduled for forty (40) hours a week or 2,080 hours per year, including holidays. Work is normally performed five days a week, eight hours a day. Non-paid lunch hours may be allowed up to one hour each day. Periodic breaks may be allowed by Department Heads but are not mandatory.

14.02 Attendance

- A. Employees shall be required to be at their places of work under these rules and general departmental regulations. All departments shall maintain daily attendance records. These records shall be made available to the City Controller or Director of Human Resources for review when required.
- B. Excused absences, in addition to paid sick leave, vacation, holidays, emergency leave, work-related injury leave, and other leaves of absence, may be granted to employees who, for cause, may not be able to work on a specific day. These absences will be non-paid absences, but will not be charged against the employee for disciplinary reasons. To be eligible for an excused absence, an employee must contact his/her supervisor within one hour after the start of the employee's regularly scheduled starting time. This one (1) hour provision may be waived by the supervisor due to extenuating circumstances. The reason for the absence and the date and time the employee expects to return to work must be reported. The reason for the absence must be a valid reason to miss work and must be a circumstance out of the control of the employee, such as, impeding weather or illness when there is no sick leave available. The assumption will be made that the employee will use every effort to get to work in determining if the excuse will be accepted.
- C. Unexcused absences include tardiness, unverified sick time (where proof is required), unauthorized time off, failure to call in within one hour after regularly scheduled starting time, and excessive unpaid sick time or lost time. While time lost due to unpaid illness or accident is considered an excused absence, excessive time lost may be a sign that the employee is not well enough to perform the job. Excessive use of sick leave may also be a sign of the inadequacy of the employee.
- D. To qualify for an excused absence, an employee may be required to furnish a doctor's or hospital's statement to the supervisor verifying an illness or accident under any of the following circumstances:
 - 1. When illness or accident caused the employee to be hospitalized.
 - 2. When the absence was for more than two (2) consecutive work days.
 - 3. When the absence occurred on a regularly scheduled workday preceding or following a holiday or regularly scheduled vacation day.
 - 4. When the supervisor feels that the employee's return to work may pose a health hazard to others.
 - 5. When the employee has a record of excessive use of paid or unpaid sick leave.

- E. Employees repeatedly absent without cause will be subject to disciplinary action.
1. An employee with more than two (2) unexcused absences in any six (6) month period may be given a written warning by his supervisor. A copy of the warning will be placed in the employee's personnel file.
 2. When an employee has more than three (3) unexcused absences in any six (6) month period, he may be suspended without pay for up to three (3) days. The signed letter of suspension will be placed in the employee's personnel file.
 3. An employee with four (4) unexcused absences in a six (6) month period may be terminated.
 4. Unexcused absences from work for three (3) consecutive working days shall be considered a resignation effective the last day of actual work.
- F. No employee may absent himself from duty without permission of his immediate supervisor. Absence without permission shall be cause for a respective Department Director to recommend termination of that employee by the Mayor.

14.03 Holidays

The following is a list of approved holidays:

New Year's Day	January 1
The birthday of Martin Luther King, Jr.	Third Monday in January
Good Friday	Friday before Easter Sunday
San Jacinto Day	April 21 (April 20 when Easter falls on April 19)
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving	Fourth Thursday and following Friday in November
Christmas Eve	December 24
Christmas Day	December 25

If the holiday occurs on Saturday, it will be observed on the preceding Friday unless that day is also a holiday, then it will be observed on the following Monday. If the holiday occurs on Sunday, it will be observed the following Monday unless that day is also a holiday, then it will be observed on the preceding Friday. City Council may consider adjusting these approved holidays for efficiency purposes.

As many employees as possible shall be given each holiday off without loss of pay. Persons who are required to work on a holiday, shall be given either another day off as a holiday or shall be paid two and one-half times their regular pay for that day. Holiday time shall be considered actual time worked for pay purposes. No employee shall receive more than 8 hours of pay for any holiday.

When the holiday and regular day off occur on the same day, those employees scheduled off duty on that day shall be entitled to additional pay or another day off. No unnecessary work shall be scheduled on a holiday. Part-time employees shall be paid their regular rates on a holiday only if required to work. An employee who is absent without authorized leave on the day immediately preceding or following a holiday shall not be

paid for the holiday. When a special holiday is declared by the Mayor or by action of the City Council, it shall be observed under the same rules as a scheduled holiday. Employees wishing to observe a national or religious holiday other than those scheduled may be given time off without pay or have the time charged to their vacation.

14.04 Vacation Leave

- A. All non-police employees, except temporary and part-time employees, shall accrue eighty (80) hours of vacation each year through the fifth year of service, one hundred twenty (120) hours of vacation each year through the tenth year of service, one hundred sixty (160) hours of vacation each year through the twentieth year of service, two hundred (200) hours of vacation each year through the twenty-fifth year of service and two hundred forty (240) hours of vacation each year following the completion of the twenty-fifth year of service.

All full-time Police Officers shall accrue one hundred twenty (120) hours of vacation each year through the tenth year of service, one hundred sixty (160) hours of vacation each year through the twentieth year of service and two hundred (200) hours of vacation each year through the twenty-fifth year of service and two hundred forty (240) hours of vacation each year following the completion of the twenty-fifth year of service.

Both non-police and Police Officers will accrue pro-rated hours of vacation of the total annual hours each pay period based on their years of service with the City of Pasadena.

Such police and non-police employees described above that on date of passage hereof have already accrued two hundred (200) hours of vacation based on existing ordinances shall continue to receive the same.

- B. All part-time employees who work more than one thousand (1,000) hours in a calendar year shall be entitled to forty (40) hours vacation. When a part-time employee has qualified for vacation time, the Department Head shall notify the City Controller of the fact. The City Controller will set up the accrual and the employee may then use the leave. If hired into a permanent position, the recorded part-time accruals will be added to his or her full-time accumulations. Vacation is to be used to replace hours the employee is scheduled to work.
- C. Official holidays occurring during a vacation shall be observed as holidays and shall not be charged to vacation leave. Employees shall not accrue vacation during any pay period where they are not receiving pay from the City, except while receiving Workers' Compensation pay.
- D. Employees are encouraged to take at least eighty (80) hours vacation each year. Employees must take a minimum of forty (40) vacation hours per calendar year. Only by special, written permission of the Mayor or by termination of employment can less time be used. The requirement to take vacation commences with the calendar year immediately following the employee's actual date of hire. In the event of non-compliance, vacation accruals will be adjusted at the beginning of each calendar year to forfeit unused minimum vacation of the previous year.

- E. Vacation must be approved in advance by an employee's supervisor. Vacation may be used for any scheduled absence for which sick leave cannot be used, or for any scheduled absence for where sick leave normally applies, but the sick leave has been exhausted. Vacation may not be used for unscheduled absences, including illness or injury. FMLA leave is considered a scheduled absence. Employees must follow departmental instructions for requesting the use of vacation leave. Departments must adopt equitable practices for managing vacation requests such that the operation of the department is not adversely affected. Department Heads shall post the times of the year when no vacation will be allowed. Seniority may be used as a starting point in these practices; however, first choice of time off should be given on a rotating basis. Vacation requests should be made as soon as possible. Department Directors shall act promptly to approve or disapprove vacation requests.

No vacation time can be taken in excess of employee's accumulated sum of vacation time available. Vacation may be taken as accrued with approval of their supervisor.

14.05 Sick Leave

- A. All employees, except seasonal, temporary, and part-time employees shall be entitled to one hundred twenty (120) hours of sick leave per year. Sick leave credit shall accumulate in increments of 4.6154 hours each payroll period. Unused sick leave shall be cumulative with no minimum. All part-time employees who work more than one (1,000) hours in a calendar year shall be entitled sixty (60) hours sick leave. When a part-time employee has qualified for sick leave time, the Department Head shall notify the City Controller of the fact. The City Controller will set up the accrual and the employee may then use the leave. Part-time employees are paid sick leave for scheduled time only. If the employee is hired into a permanent position, the recorded part-time accruals will be added to his or her full-time accumulations.
- B. Sick leave is a benefit provided to full-time City employees to be used when an employee is unable to work due to personal illness, illness in employee's dependent family, temporary physical incapacity, and doctor and dental visits. Abuse of this sick leave benefit will not be tolerated. Employees who willfully use sick leave for purposes other than those intended by these policies shall be subject to discipline. To receive paid sick leave, an employee must communicate with his immediate supervisor or the supervisor's authorized representative, before or within one (1) hour of the time set for beginning work unless a justifiable excuse is presented about an emergency situation.

Supervisors and Department Directors may require satisfactory proof of illness for either the employee or the employee's dependent family member. If there is a question of an employee's fitness to continue in his present position, an employee may be required to undergo a physical examination by a physician named by the City at the City's expense. (See Section 9.18).

- C. Sick leave can be taken as accrued. Employees shall not earn sick leave while on a leave of absence greater than 30 days, except for injury leave.

- D. Sick leave shall be charged in actual time away from work to the nearest quarter-hour. Official holidays and regular days off shall not count against sick leave.
- E. Employees who have been continuously employed by the City for at least one year may use sick leave to care for an immediate family member who is ill or incapacitated. An immediate family member is a spouse, child or parent. For purposes of this section, a person qualifies as a family member if said person is the ward of an employee who has been designated his or her guardian by an order of a court of competent jurisdiction.
- F. Employees who become ill during their vacation may request that their vacation be temporarily terminated and their time charged to sick leave. Vacation hours unused may then be taken later in the year as approved by the Department Director.
- G. Sick leave may be used, if approved by the Department Director, as additional Bereavement Leave.
- H. Employees may use up to twenty-four (24) sick leave hours each calendar year for personal business. In this event, the employee will communicate with the Department Head or his designated representative that he or she is using this option. Sick leave hours used under this option shall not be considered when determining sick leave abuse. Department Heads will maintain records of this use of sick leave, subject to audit by the Human Resources Department and/or City Controller's Office.

14.06 Injury Leave

- A. An employee injured on the job as a direct result of the duties performed in the course of employment with the City may be eligible to receive Workers' Compensation. This program is required by Texas state law and may cover the cost of doctors, drugs, treatment, hospitalization, pharmaceuticals and other related expenses. It will also provide payments directly to the employee when there is lost time from work to partially make up for wages lost during the recovery period. An employee injured in the line of duty who loses time from work shall receive Workers' Compensation and injury leave benefits under terms and conditions prescribed by law and in this handbook. Workers' Compensation benefits may be supplemented by the City to ensure that a full-time employee so disabled may receive 80% of his salary (Workers' Compensation benefit plus supplement) for a period not to exceed 6 months. Note: Police Officers, as provided in Chapter 143, Municipal Civil Service, of the Local Government Code may receive supplemental benefits up to one year. Workers' Compensation benefit amounts are set by the state of Texas, and are governed by the Industrial Accident Board.
- B. Workers' Compensation benefit payments are paid the eighth calendar day an employee is off work and continue until the employee either returns to work or makes a settlement with the City of Pasadena Workers' Compensation Administrator. Benefit payments for the first seven calendar days off work are not paid until the employee is off work for more than 28 calendar days.
- C. Employees, excepting Police Officers, are eligible for salary continuance supplemental benefits beginning on the eighth calendar day they lose time from work. They may use sick leave or vacation if available to cover first seven calendar days. Police Officers are eligible for supplemental benefits on the first day of injury.

- D. To avoid interruption in wage payments, the City issues payroll checks to the injured employee on the regular payroll schedule. When Workers' Compensation is paid to the employee, the payments are deducted from current checks until the wages paid to the employee are balanced. The sum total of Workers' Compensation benefits paid and salary supplemental benefits paid is to be equal to 80% of the employee's normal wage. It is possible that these adjustments will continue after the employee has returned to work, depending on the timeliness of the Workers' Compensation benefits.
- E. Salary continuance supplemental benefits are paid only for the first 6 months of lost time. Workers' Compensation payments will continue to the extent required by law. Police Officers may receive supplemental pay for a one-year period immediately following the date of accident in accordance with the Local Government Code, Chapter 143.
- F. Injured employees who do not receive salary continuance benefits will be allowed to supplement their Workers' Compensation benefits using accrued vacation and sick leave; however, the combined payment of benefits and leave shall not exceed 80% of the worker's normal wage.
- G. No supplement pay will be given to employees released by a doctor for temporary assignment to light duty. Employees declining temporary assignment to light duty may use vacation or sick time if available, or if not, time missed will be lost time.
- H. If an employee is terminated for any reason during an injury leave, supplemental pay will be stopped.
- I. An employee may be released from employment through medical separation when a doctor determines that the employee is no longer physically or mentally able to perform the duties of his position.

An employee may also be released from employment through medical separation when he exhausts 9 months (275 calendar days) of injury leave and is unable to perform the duties of his position. Medical separation from employment will in no way affect any benefits the employee might have through the City's Workers' Compensation program.

- J. To receive supplemental pay, an employee must report an injury to his immediate supervisor (on site or on call) on:
 - 1. Weekday - must report the day of the injury
 - 2. Weekend - must report the injury by the next regular work day
 - 3. Nights - must report the injury by the next work day

An employee who, without just cause, fails to report within 24 hours any injury however minor, to his foreman or supervisor and take such treatment as may be necessary jeopardizes his eligibility for injury leave resulting from that injury.

The employee must submit complete and accurate information regarding the nature of an injury or illness, causes of the injury or illness, medical care and treatment received for the injury or illness, and other pertinent information to their immediate supervisor.

When an employee is injured on the job, the foreman or supervisor shall immediately report the accident to the Human Resources Department giving all

pertinent factors so that Workmen's Compensation claim notices may be submitted. When possible, it is advised to bring the injured employee to Human Resources. When an accident causes serious bodily injury, the employee will be treated immediately and foremen or supervisor shall notify the Human Resources Department immediately by telephone.

If the death of an employee occurs on the job, the Director of Human Resources shall be notified immediately by telephone or through the dispatcher.

- K. The employee has the right to choose his physician. Once the choice is made by the employee, the physician becomes the physician of record and cannot be changed except through application with the Workers' Compensation administrator. The physician's recommendations regarding care and treatment of the injury or illness must be followed. Failure to follow doctor's orders may result in termination.
- L. Communication between the employee and the City is important during the resolution of an injury. The amount of communication required is established by the Human Resources Department in each case at the outset of the injury leave. Reports must be submitted to Human Resources regularly. The communication must be maintained by the employee with the City during the period of the disability or supplemental pay may be stopped.
- M. The employee must make himself available to the Director of Human Resources for consultation at any time while on injury leave. The employee will submit to such physical examination that the City deems necessary, either prescribed directly or through its Workers' Compensation service agent. The physician will evaluate and make recommendations to the City regarding progress, return to work dates, or extended leave situations requiring medical separation. In the event of conflict in medical opinion between an employee's doctor and a doctor appointed by the City, the City reserves the right to have the employee examined by another approved medical doctor of its choice. Failure on the part of the employee to timely submit to such examination may result in forfeiture of City benefits under this section. The City's determination of any benefits due under this section shall be final.

Employees certified as injured by a doctor not approved by the City may not be eligible for City benefits under this section. Benefits for any injury not certified by a City approved medical practitioner shall be limited to Workers' Compensation insurance when applicable.

- N. No employee temporarily assigned to light duty will work overtime.
- O. Employee injured on the job shall continue to earn vacation and sick leave at the regular rate for a six (6) month period.
- P. If any employee or his beneficiary should recover a judgment against the City for damages for injuries received while on duty or death ensuing from such injuries, the City shall be entitled to offset against the damages awarded by such judgment either the benefits paid for such injury or death under any insurance provided or paid by the City for its employees, or the amount of money in salaries paid such employee while on injury leave granted because of the injuries for which the judgment was rendered or both.
- Q. Employees who have second jobs may not draw Workers' Compensation and salary continuance and continue to work in those second jobs. Failure to report to Human Resources that the employee will continue to work the other job while on injury leave with the City is a basis for termination. Further, if the employee's physician advises

him not to work and the employee continues to work, the employee may forfeit all rights and benefits afforded him under this handbook, including medical payments and the preservation of his position while he is on injury leave.

- R. The City of Pasadena, having adopted Workers' Compensation as provided by law and in addition to its right of subrogation under the provisions of Article 8308-4.05, Vernon's Annotated Civil Statutes of Texas, shall also be subrogated to the rights of an injured employee or his beneficiary as against a third party to the extent of the salary paid such employee during injury leave granted because of injuries received while on duty.
- S. The provisions of the Charter of the City of Pasadena requiring the giving of the notice of claim to the City shall be complied with before the City shall be liable on any claims for damages. Neither the filing of any Accident Report, the continued employment of an employee, nor the granting of any injury leave shall ever constitute a waiver of such notice of claim requirement, nor shall the City be estopped from requiring strict compliance with provisions of the Charter.

14.07 Civic Leave

An employee will be allowed unlimited leave with pay for jury duty. The summons must be presented to his supervisor before the start of jury duty and an attendance slip afterwards. Employees are expected to return to work after the completion of the jury duty. An employee will be allowed leave with pay if he is subpoenaed to appear in court for a job-related case. Employees who are subpoenaed to appear in court for matters not related to his employment will be required to use vacation leave, compensatory time or leave without pay. An employee will be allowed up to two hours leave to vote in City, State, and national primaries and elections.

14.08 Military Leave

The Uniform Services Employment and Reemployment Rights Act (USERRA), 43 USC Sec 4301 et seq., sets forth certain requirements of employers for treatment of employees who are qualified, uniformed service members. It is the intention of the City of Pasadena to comply with the requirements of that law.

Employees who are absent from work for military training leave or when called to military active duty are entitled to 15 workdays of paid military leave per fiscal year, in accordance with Section 437.202 of the Texas Government Code.

Employees, who are members of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team, if called to state active duty by the governor or another appropriate authority in response to a disaster are entitled up to 7 workdays of paid leave in a fiscal year. For purposes of this leave, a disaster is defined in Texas Government Code § 418.004.

During such military leaves of absence, the employee may not be subjected to loss of time, personal time, sick leave, or vacation leave. Requests for military pay may only be made for the fiscal year in which leave is to be granted.

14.09 Bereavement Leave

Up to 24 scheduled work hours of bereavement leave with full pay shall be granted full-time and probation employees for a death in the immediate family. Immediate family includes spouse, parent or parent-in-law, child, sibling or sibling-in-law, grandparent, grandparent-in-law, or grandchild. Immediate family may also include others who may be residing under the same roof with the employee at the time of death. Additional bereavement leave may be granted by the Department Director with the approval of the Director of Human Resources. This additional leave will be charged to the employee's sick leave. If an employee wishes to attend other funerals, he must use vacation, compensatory time, leave without pay, or, in the case of a relative (uncle, aunt, cousin), sick leave.

14.10 General Leave of Absence

- A. Department Directors may grant general leaves of absence without pay for up to thirty (30) days to full-time employees for any reasonable cause. When more time is required, the Mayor may approve additional leave up to ninety (90) days. However, an employee may be required to use any accrued sick leave and/or vacation leave before such additional leave is granted. Employees shall request a general leave of absence in writing well in advance of the date desired. Leave may be requested for any legitimate purpose including hardship, but the employee shall be compelled to show that granting such leave is in the interest of the City. No general leave of absence without pay greater than five (5) days may be granted before an employee has completed his initial probation period.
- B. While on a general leave of absence of thirty days or longer, an employee will not accrue sick leave or vacation leave and will be responsible for payments for health benefits as set out in section 14.10 C. below.
- C. While on general leave of absence without pay, service credit for all employment privileges shall cease until active employment is resumed. Employees who are granted general leaves of absence without pay shall submit payment for their health benefit normally paid by the City to the City Controller's Office upon departure and on the first of each month of the leave. Failure to make these payments will cause health benefits to cease for any period of non-payment and reentry into the program may require requalification for employee and dependents. Any other benefit or payment to be continued through payroll deduction must be paid in the same manner to prevent forfeiture.
- D. Upon expiration of the leave the employee will be reinstated to the position held before the leave was granted, provided such position is available. If not, an attempt will be made to place the employee in a similar position. When a position is vacated for more than 30 days because of a general leave of absence, it may be filled temporarily by a temporary or part-time appointment. If the position is determined to be critical to the operation of City functions by the Director of Human Resources and a permanent appointment is necessary to fill the position, the appointment can be made. The employee affected will be notified in writing.

14.11 Resignation after Leave

An employee who does not return to work after an approved leave of absence of any type expires shall be considered to have resigned his position on the last day of the leave period.

14.12 Residency Requirement

Employees hired after the effective date of this policy who may be required to respond to emergency call back or periodic service in a standby status on a regular basis may be required to establish residency within a reasonable distance from the principal worksite to assure a timely response.

14.13 Travel Status

Employees shall be considered to be in travel status when they are on business trips representing the City of Pasadena outside Harris County.

14.14 Employee Leave Donation Program

1. Purpose

The purpose of this program is to set up a "bank" of leave credits for use by qualified employees who by reason of an incapacitating illness or injury have exhausted their own personal leave credits, both vacation and sick leave.

2. Definitions

General Leave - Hours of leave donated to a qualified individual from the General Leave Pool.

Designated Leave - Hours of leave donated to a qualified individual from the Designated Leave Pool.

Eligibility - Any full-time regular employee who is qualified to earn vacation and sick leave; who has exhausted his or her personal leave resources as a result of incapacitating illness or injury to himself or herself or a member of his or her immediate family as defined in the Employee Handbook; who makes proper application for Donated Leave Credits either in person or through a representative; and whose case meets such criteria as may be formulated by the General Leave Committee.

Leave Credit - One hour of accumulated leave. Donations to the leave pool are made in increments of eight leave credits.

General Leave Committee - A committee of five employees who establish the criteria for distribution of donated leave credits; receive, review, and approve or reject applications for distribution of donated leave credits; and allocate resources to the recipients, from the General Leave Pool. In addition to the five, the City Controller and the Human Resources Director, or their representatives, will serve as non-voting members of this committee.

Eligible Injury or Illness - Any illness or injury which incapacitates an employee so that he or she is unable to work and for whom other form of compensation or benefit is

not available or is insufficient to prevent hardship.

Ineligible Injury or Illness :

- a. Injury or illness resulting from an on-the-job injury for which City Workers' Compensation benefits are provided.
- b. Injury that is self-inflicted.
- c. Injury resulting from the commission of a crime.

3. Donations to Pool

The Human Resources Department will solicit leave donations from employees as needed. Employees wishing to make donations, which will be limited to forty hours of donations, in four or eight hour increments per solicitation, will do so in writing in such format as may be prescribed.

There are two types of Leave Donation:

A. General Leave Pool

If an employee donor does not designate a donation to a specific employee, the donation will be placed in a General Leave Pool and be administered by the General Leave Committee.

B. Designated Leave Pool

If an employee donor designates a donation to a specific employee, that employee will receive the donation without any consideration by the General Leave Committee, up to the stated annual maximum.

The City Controller will account for deposits and withdrawals from the pool. Donations will be made from the employee's accumulated sick leave credits. No donations will be accepted at termination of employment. Units of leave to the pool lose all monetary value until used.

When an employee makes a donation to the pool, no such donation will be charged to the leave payable at termination (capped leave). One day of leave donated from the "capped leave" has a value of eight hours when redistributed. The leave credits of the donor will be reduced by the number of hours donated with a maximum of forty hours.

4. Recipients of Donations

An employee who meets the criteria for and has been approved for donated leave will be paid at his or her regular rate of pay for absences due to the circumstances of his or her ineligibility which cannot be covered by his or her own leave credits. All personal leave credits must be exhausted before donated leave can be used. The employee will be entitled to only that time which has been approved, including extensions, and only so long as the circumstances of his or her inability to work exists. The employee will not be required to repay any donated leave, except that, any leave obtained by fraud or by falsification of circumstance will be reclaimed from the employee. No vacation or sick leave will accumulate during the period the employee is using donated leave.

5. General Leave Committee

The Mayor will appoint five employees to serve as voting members of the Donated Leave Committee, of which one will be appointed for three years, two for two years and two for one year. Expiring terms will be reappointed for three years. The Committee will develop the guidelines for application for General Leave Pool and approval thereof, and will grant leave to be withdrawn from the pool for the benefit of an applicant. The Committee will elect its own officers, establish its own bylaws, meeting times and agenda and will be the sole authority for granting donated leave. For the purpose of administering the program, the Committee will operate through the Human Resources Department, with the Human Resources Director acting as its administrator.

6. Criteria for Granting Leave.

The Committee will consider the following points when granting donated leave from the General Leave Pool:

The Severity of the Incapacity - The incapacity should be of such magnitude that the employee is prevented from performing his or her duties for an extended period of time. Donated leave should be granted to fill a need and not for the mere convenience of an employee.

The Stewardship of Personal Leave Resources - Employees should be encouraged to "bank" personally earned leave for emergencies. Donated leave may not be appropriate for persons who routinely squander personal leave resources. Attendance records and use/abuse of sick leave prior to the incapacity will be considered.

The Resources Available to the Employee - Donated Leave should be made available to prevent hardship on employees, and should not be considered a right or benefit of employment.

No grant of Donated Leave can be made to a single employee in excess of 240 hours in any calendar year from the date of the first day such leave is used by the employee. Donated leave not used shall be returned to the pool. Neither the employee nor his estate nor heirs have any claim to reimbursement for unused donated leave.

7. Termination Rights of the Employer.

The availability of leave from donations will not prevent the City from terminating or suspending any employee at any time with or without reason or cause.

14.15 Quarantine Leave

Pursuant to Texas Local Government Code Section 180.008, the City of Pasadena hereby adopts this paid quarantine leave policy for fire fighters, peace officers, detention officers, and emergency medical technicians who are employed by, appointed by, or elected to the City and ordered to quarantine or isolate due to possible or known exposure to a communicable disease while on duty.

Definitions:

(1) "Communicable Disease" defined by Texas Health & Safety Code Section 81.003(1) as an illness that occurs through the transmission of an infectious agent or its toxic products from a reservoir to a susceptible host, either directly, as from an infected person or animal, or indirectly through an intermediate plant or animal host, a vector, or the inanimate environment.

(2) "Detention officer" means an individual appointed or employed by the City of Pasadena

and whose job responsibilities include the care and custody of individuals incarcerated in the municipal jail.

(3) "Emergency medical technician" means an individual who is (a) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and (b) employed by the City of Pasadena.

(4) "Fire fighter" means a paid employee of the City's fire department who: (a) holds a position that requires substantial knowledge of firefighting; (b) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and (c) performs at least one of the following functions: (i) fire suppression; (ii) fire prevention; (iii) fire training; (iv) fire safety education; (v) fire maintenance; (vi) fire communications; (vii) fire medical emergency technology; (viii) fire photography; (ix) fire administration; or (x) fire arson investigation.

(5) "Health authority" means a physician appointed by the city to administer state and local laws relating to public health within the city's jurisdiction.

(6) "Paid quarantine leave" means: (1) all employment benefits and compensation, including leave accrual, retirement benefits, and health benefit plan benefits provided by the city; and (2) if applicable, reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.

(7) "Peace officer" means law enforcement officers licensed by the Texas Commission on Law Enforcement as peace officers and employed by the City of Pasadena in such a capacity.

(8) "Quarantine" as defined by the Centers for Disease Control and Prevention (CDC) specifically involves the separation of a person or group of people reasonably believed to have been exposed to a communicable disease but not yet symptomatic, from others who have not been so exposed, to prevent the possible spread of the communicable disease.

A City of Pasadena fire fighter, peace officer, detention officer, or emergency medical technicians who are ordered to quarantine or isolate by the City's health authority in accordance with CDC guidelines due to possible or known exposure to a communicable disease while on duty is entitled to receive paid quarantine leave for the duration of the leave, which shall not exceed 80 hours per calendar year. (Ref. Texas Local Gov't Code 180.008(c).)

The City will not reduce a fire fighter's, peace officer's, detention officer's or emergency medical technician's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with paid quarantine leave taken in accordance with this policy. While on paid quarantine leave, the employee will receive all employment benefits and compensation for the duration of the leave, including paid leave accruals, retirement benefits, and health plan benefits that the employee would customarily be provided on paid leave.

The employee may also request reimbursement for reasonable costs related to the quarantine, including lodging, medical treatment, and transportation by submitting a reimbursement request to the Finance department within five (5) days after returning from the leave ordered under this policy. Transportation shall be paid in accordance with IRS mileage reimbursable rates and lodging shall be reimbursed in accordance with the IRS per diem rates. Also, lodging must be within a 25-mile radius of the employee's permanent place of residency. Employees are required to provide receipts or proof of payment for medical and lodging reimbursement, and proof of mileage for transportation reimbursement with the request. The City reserves the right to deny reimbursement that the City deems unreasonable or unrelated to quarantine.

14.16 Mental Health Leave

Pursuant to Texas Government Code Section 614.015, the City of Pasadena hereby adopts the mental health leave policy for peace officers and full-time telecommunicators who experience a traumatic event while in the scope of employment.

Definitions:

- (1) "Peace officer" means law enforcement officers licensed by the Texas Commission on Law Enforcement as peace officers and employed by the City of Pasadena in such a capacity.
- (2) "Telecommunicator" means a person authorized to act as a telecommunicator under Section 1701.405, Occupations Code.
- (3) "Traumatic event" means any traumatic event—occurring in the scope of employment—which results in an adverse effect on the mental health of a peace officer or full-time telecommunicator resulting in the documented need for mental health leave.

A peace officer or full-time telecommunicator employed by the City of Pasadena shall be allowed up to 10 calendar days of paid mental health leave per calendar year as a result of a traumatic event that occurred in the scope of employment, subject to the following:

- a) the leave is ordered by the Chief of Police or;
- b) ordered by a mental health professional.

A peace officer or telecommunicator employed by the City of Pasadena who is ordered to take paid mental health leave will receive all employment benefits and compensation for the duration of the leave, including paid leave accruals, retirement benefits, and health plan benefits that the peace officer or telecommunicator would customarily be provided on paid leave. The City will not reduce an eligible peace officer's or telecommunicator's sick leave, vacation leave, holiday, or other paid leave balance for mental health leave taken under this policy. Paid mental health leave, if eligible, will run concurrently with FML.

14.17 Military Leave Time Account

Pursuant to Texas Local Government Code section 143.075, the City of Pasadena hereby adopts a Military Leave Time Account policy for eligible police officers employed with the City of Pasadena to help provide salary continuation if called to active federal military duty for a period of three continuous months or longer.

In accordance with Texas Local Government Code (TLGC), Section 143.075, this policy establishes a "Military Leave Time Account" (MLTA). The City shall maintain a military leave time account for eligible police officers. Police officer's requests for donated military leave from the Military Leave Time Account will be considered by Human Resources (HR). The policy will be administered by Payroll.

This policy also allows police officers employed with the City of Pasadena to voluntarily donate their accrued leave to be used by eligible police officers called to active federal military duty and who meet the requirements of this policy.

I. Requestor Eligibility Requirements

According to Texas Local Government Code, Section 143.075

"A military leave account shall benefit a... police officer who:

(1) is a member of the Texas National Guard or the armed forces reserves of the United States;

(2) was called to active federal military duty while serving as....a police officer for the municipality and;

(3) has served on active duty for a period of 3 continuous months or longer.”

All requirements of Section 143.075 of the Texas Local Government Code must be met in order to be considered eligible and to receive any benefits from this account.

II. Military Leave Time Account Donations

- A. Police Officers may donate any amount of accumulated vacation, holiday, sick or compensatory leave time. There is no maximum hour that may be donated. Its preferred hours be donated in full hour increments. Leave time must be accrued and available in your leave bank at the time of donation. When a police officer makes a donation to the MLTA, no such donation will be charged to the leave payable at termination (capped leave).
- B. Probationary Police Officers are not eligible to donate hours to the MLTA.
- C. Leave time (vacation, holiday, sick or compensatory leave time) donated to the military leave account will not, under any circumstances, be returned to the donating employee. It is recommended you maintain a minimum of at least 80 hours of combined vacation and/or sick leave after the donation is deducted.
- D. Donations to the MLTA are placed into a shared account, not to an individual accrual bank.
- E. Distribution of donated leave time in the MLTA will be divided equally among all eligible individuals. Donations and disbursements to the MLTA are made on an hourly basis without regard to pay rate or cash value.

The Military Leave Time Account is a shared account; therefore, there must be donated leave available in the account in order to grant requests for leave.

PROCEDURES

I. Civil Service Police Personnel

- A. **Military Leave Account Request:** Police Officers must request leave from the MLTA prior to leaving on active duty by completing the Military Leave Time Account Recipient Request form. Requestor must include a copy of military orders. Submit complete forms to your department supervisor.
- B. **Military Leave Time Donation:** Police Officers may donate vacation, holiday, sick, or compensatory time hours to the MLTA by completing the Military Leave Time Account Donation Form and submitting it to Human Resources.

II. Supervisor Responsibility

Department supervisors are responsible for reviewing the employee section on the Military Leave Time Account Recipient Request form for accuracy and to ensure the proper military orders are attached. Supervisors must complete the department section of the form, then forward the form and military orders to the Human Resources Department.

III. Human Resources Department

HR will review donations/requests received for the MLTA to ensure compliance with the Texas Local Government Code and City policy. If approved, HR will submit the request/donation form to Payroll for processing. Payment of donated leave will be based upon the start date of deployment. Payment will be made on a standard Monday to Friday, 40-hour workweek schedule beginning on the first date of deployment as listed on military paperwork provided to the City by the Police Officer.

IV. Payroll Division

- A. Payroll is responsible for deducting leave from donating Police Officers leave banks and transferring said leave into the MLTA. Payroll will also be responsible for maintaining the MLTA balance.
- B. At the end of the pay cycle, Payroll will divide hours in the account equally among all eligible police officers approved for donated leave.

Payroll will discontinue payment of donated leave based upon the last date of deployment as stated on military paperwork to be provided to the City by the employee.

Chapter 15 DISCIPLINARY PROCEDURE

15.01 Statement of Policy

When the job performance of an employee becomes deficient, it is the responsibility of supervisors to timely correct the deficiency in a fair and consistent manner. The supervisor shall consider such factors as the type and severity of the act or omission, the employee's work record, and any mitigating circumstances surrounding the conduct. An employee should be given warning with time to improve before suspension or termination unless the act or omission is so severe as to require his immediate termination. The employee has the right to appeal certain disciplinary actions through the grievance procedure or, in the case of termination, to the City Council.

This policy in no way alters the City's policy that all employees serve at the will and discretion of the City, nor does this policy prevent immediate termination or indefinite suspension of any employee.

15.02 Guidelines for Disciplinary Action

Disciplinary action is appropriate for misconduct, absenteeism, insubordination, violation of personnel rules or policies, violation of safety policies, violation of federal, state, and local laws and City or departmental rules, refusing to work overtime in an emergency, working overtime without advance approval, abuse of City equipment or property, waste or misappropriation of City materials or supplies, acts of incompetency, discourtesy to the public or to another employee, disgraceful conduct, habitual absenteeism, habitual tardiness, abuse of sick leave, habitual carelessness or recklessness or other unsafe work characteristics, use or possession of intoxicants or illegal drugs while on duty, falsification of City records, insubordination, commission of a misdemeanor of moral turpitude or a felony, indictment or charge by information for criminal activity against the City of Pasadena in connection with employment, acts demonstrating unsatisfactory character, incompetence or inefficiency in the performance of the duties of the position, and other conduct which is contrary to the interests of the City of Pasadena.

It is not possible to list all rules of conduct, and the forms of conduct identified in this handbook are not the only reasons why an employee may be disciplined or discharged. The City tries to avoid unnecessary restrictions on personal conduct as it expects an employee will exercise common sense and will maintain proper standards of work performance.

Disciplinary action may include oral reprimand, written reprimand, temporary disciplinary suspension, involuntary demotion, and indefinite suspension. The degree of discipline imposed for a particular act or omission will depend on the circumstances.

15.03 General Suspension

A Department Director may recommend to the Mayor a suspension without pay for any employee for a particular length of time. When so suspended, the employee shall be given written notice of the action. A copy of the notice will be placed in the employee's permanent personnel file. In addition, an employee who is the subject of an investigation, hearing or trial on any civil or criminal charge, may be suspended when it is in the best interest of the City to do so.

Chapter 16

GRIEVANCE PROCEDURES

16.01 Subject Matter of Grievance

The grievance procedure is the appropriate resolution for alleged violation of any City personnel policy; alleged improper treatment of an employee; questionable wages, hours or working conditions; or alleged violation of safety standards. Complaints about the City Charter and ordinances passed by City Council cannot be grieved.

16.02 Grievance Procedure

- A. Step 1 – The employee must submit a written grievance to his supervisor and to the Director of Human Resources. When reasonably possible, the employee and his immediate supervisor should meet to discuss the grievance. Both the employee and the supervisor must submit a written, dated summary of the meeting to the Director of Human Resources within five (5) working days of the meeting. If the grievance is not resolved in this meeting, the employee may file a written notice of appeal to the Department Director within ten (10) working days of the date the original meeting.
- B. Step 2 – The Department Director may meet with all parties concerned to discuss the grievance as soon as reasonably possible.
- C. Step 3 and Final Step – If the grievance is not resolved by the Department Director, it may be appealed in writing to the Mayor within five (5) working days after the meeting with Department Director. The Mayor or his designated representative may meet to discuss the grievance and make a decision. Notice of decision will be provided to the employee. This is the highest level that a grievance can be appealed within the City structure.

Chapter 17

NONDISCIPLINARY SEPARATION

17.01 Resignation

Any employee may resign his position with the City in good standing by submitting his resignation with at least ten (10) working days advance notice. The Department Director may waive any portion of the notice period.

17.02 Reduction in Force Layoff

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

When it becomes necessary to lay employees off, demonstrated job performance and efficiency will determine the order of layoff. Employees demonstrating the most proficiency shall be retained over all others. Seniority may be used only to determine the order of layoff among employees with substantially equivalent records of job performance. In layoff decisions, consideration may be given for performance, proficiency, and seniority. Layoffs shall not be considered disciplinary actions.

If an employee is rehired within six months of the date he was laid off, he shall retain his original employment date, adjusted for the actual time off, for purposes of seniority, longevity pay, and vacation accrual.

17.03 Retirement

Eligible employees may be separated by retirement under the Texas Municipal Retirement System guidelines. Application for retirement must be made in the Human Resources Department no later than the 25th day of the month before the last month the employee will be employed. An employee who retires under TMRS is deemed to have simultaneously resigned his employment with the City of Pasadena.

17.04 Death

When an employee dies while employed by the City, his beneficiary must meet all legal requirements for receipt of unpaid wages, longevity pay, sick leave and vacation pay that the employee was entitled to receive on the day of his death. It may be necessary, however, that the claim of the beneficiary be established before payment is made. The designated beneficiary of TMRS members is also entitled to a supplemental death benefit, as well as options available under the retirement system for handling the employee's retirement account. As soon as the death certificate can be obtained, a spouse should contact the Human Resources Department for additional instruction. All others should contact the Human Resources Department when heirship is established.

Chapter 18 DRUG-FREE WORKPLACE

18.01 Drug-Free Workplace Policy

The "Drug-Free Workplace" policy of the City of Pasadena is contained in Ordinance 89-104 or its successor. Employees of the City of Pasadena are specifically prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using illegal drugs or controlled substances in the workplace. By this policy, the workplace shall include any facility, location or transport in or at which the employee must be present to perform his job function. Employees of the City of Pasadena shall be given a copy of and abide by the terms of this handbook as a condition of their employment with the City of Pasadena. Any employee who violates the prohibitions of this handbook is subject to immediate termination of employment.

18.02 Reporting Drug Offenses

Employees of the City of Pasadena who are convicted of unlawfully manufacturing, distributing, dispensing, possessing or using illegal drugs or controlled substances in the workplace are required to report such conviction in writing to their immediate supervisor and the Director of Human Resources within five (5) days of the date of the conviction. Within ten (10) days of receiving notice of such a conviction from an employee or otherwise receiving actual notice of such conviction, the City of Pasadena shall notify the applicable Federal agency in writing of those convictions occurring in the workplace specified pursuant to this policy. Employees of the City of Pasadena who are convicted of unlawfully manufacturing, distributing, dispensing, possessing or using illegal drugs or controlled substances in the workplace are subject to immediate termination of employment. The City shall take appropriate personnel action against such employees within thirty (30) days of receiving notice of the conviction.

18.03 Drug-Free Awareness Program

The City of Pasadena hereby establishes a "Drug-Free Awareness" program for its employees.

- A. The City shall conduct meetings or functions to educate employees on the dangers of abusing illegal drugs, controlled substances or alcohol in the workplace. At such meetings the employees shall be informed of available drug counseling rehabilitation and employee assistance programs. In addition, each employee shall be reminded of the City's policy of maintaining a drug-free workplace and the penalties that may be imposed upon employees for drug abuse violations.
- B. The City shall distribute or make available for distribution written educational material about the dangers of illegal drug or alcohol abuse in the workplace.
- C. Upon application for funds from the applicable Federal agency, the City shall provide a list of those workplaces required by the Drug-Free Workplace Act of 1988.