

City of Joshua, TX

Employee Personnel Handbook



Dear Team Members:

Welcome to the City of Joshua! This handbook will serve as a starting point to answer many employment and conduct related questions. Don't hesitate to go to your Department Supervisor or the Human Resources Manager if you have additional questions.

The Employee Personnel Handbook is designed to summarize general personnel policy and employee benefits information for all City of Joshua employees and is for information purposes only and is to provide a consistent guide to administrative actions, including personnel actions relating to the terms and conditions of your employment. It is not intended to give specific guidelines for every conceivable personnel action, but rather help assure that you are treated in a consistent manner.

Nothing contained in this Manual or in any other policy or procedure issued by the City of Joshua shall be construed to create a contractual employment relationship or property interest. The City of Joshua is an at-will employer. The policies and procedures listed herein may be amended at any time within the guidelines as described in the handbook.

The Human Resources Department, 101 S. Main, maintains and makes available to employees current copies of all official benefit brochures, booklets, and plan documents. Please refer to those official source documents to obtain the most accurate and comprehensive explanations of the benefits available. Each City department maintains a copy of the City of Joshua Personnel Manual, which you may review at any time. In addition, the Personnel Manual is accessible to all employees in electronic form on the City's computer network.

Should state, federal, or local law or conflict with this Manual, the conflicting law shall control. Any new rules, regulations, or policies issued will supersede current rules, regulations and policies and are binding on all employees.

If you have a city-issued email address, be sure to check it regularly for communications from Human Resources about benefits, policies, upcoming events, and other important notices. We look forward to working with you to maximize your employment with the City of Joshua!

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City of Joshua, TX

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Section 1: Purpose and General Information

1.1 Purpose

The purpose of the City of Joshua Policies and Procedures Manual is to provide a consistent guide to administrative actions, including personnel actions relating to the terms and conditions of your employment. It is not intended to give specific guidelines for every conceivable personnel action, but rather help assure that you are treated in a consistent manner.

1.2 General Information: Administration

The City Manager may make revisions to this policy which do not involve a change in benefits offered or changes which would require an amendment to the city's current "Annual Operating Budget." The city council must approve all changes involving employee benefits and/or budget amendments. Any new rules or regulations issued supersede these regulations and are fully binding on all employees. Any new rules, regulations, or policies issued will supersede current rules, regulations and policies and are binding on all employees.

Section 2: Employment Status and Expectation of Continued Employment

Employees are hired in either full time, part-time, or seasonal positions. Regular Full-time positions generally have scheduled work weeks of at least 40 hours per week. Part-time employees are generally scheduled for less than an average 30 hours per week. Seasonal positions are anticipated to be of a limited duration. Regular Full-time employees receive complete benefits as offered by the City of Joshua.

All Full-time, Part-time, and Seasonal employees are employed at the discretion and will of the City of Joshua. Wages, benefits, and conditions of employment may be changed at any time. No supervisor or Department Head has the authority to enter into any agreement with an employee that in any way alters the at-will relationship unless or until such agreement is reduced to writing, authorized by the City Council, and executed by the City Manager.

The City of Joshua is an at-will employer. Although this manual provides guidance on disciplinary actions and contains a limited process for appealing adverse employment decisions, these guidelines and processes are advisory only. Any employee may be discharged or terminated for any or no reason at any time, notwithstanding the existence of guidelines or appeal processes. There is no "cause" or "just-cause" standard applicable to disciplinary actions or termination of employment decisions. The acceptance or continuation of employment with the City shall be deemed an acknowledgement and acceptance of this basic condition of employment.

Section 3: Equal Opportunity Employment Policy Statement

It is the policy of the City of Joshua to employ, train, compensate, and make available all conditions of employment without consideration of any individual's race, sex, national origin, color, age, religion, disability, genetic information, veterans status, or any other non-job related factor. Personnel decisions will be made only on the basis of experience and ability to perform a specific job.

Section 4: Personnel Files

The City of Joshua will request, use and retain only that personal information about employees that is required for business or legal reasons. The confidentiality of all personal information in City records and files will be protected, preserved, and maintained for all City employees to the extent possible under the Texas Public Information Act and in compliance with other State and Federal laws.

Section 5: Harassment and Discrimination Policy

5.1 Purpose

The City of Joshua is committed to providing a work environment which is free of unlawful discrimination, harassment and intimidation. This policy applies to all City employees, citizens, vendors, and visitors to the workplace. City employees are entitled to a workplace free of unlawful discrimination and harassment by management, supervisors, co-workers, vendors and citizens. Employees are also required to refrain from prohibited discrimination and harassment of citizens, employees, and vendors.

5.2 Policies and Procedures

Discrimination, sexual harassment and other forms of unlawful harassment are contrary to basic standards of conduct between individuals and are prohibited by federal and state law. Any employee who engages in any such behavior will be subject to corrective action up to and including termination of employment. Because of the City's strong disapproval of such inappropriate behavior, all employees must avoid any action, conduct, or behavior which could be viewed as discriminatory or harassing behavior.

No retaliation will be permitted against employees who make a good faith charge or report of prohibited discrimination or harassment.

5.3 Definition of Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of such conduct by an individual is based on the basis for employment decisions affecting an individual; or

- Such condition has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of prohibited conduct include unwelcome discussion of sexual activities, touching, display of sexual activities, and display of sexually explicit or suggestive pictures or cartoons, use of sexually suggestive gestures, sexual remarks about physical attributes, unwelcome propositions, profanity and off-color jokes.

5.4 Other Forms of Prohibited Harassment

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person's race, color, national origin, religion, age, sex, disability, genetic information or veteran's status and impairs another employee's ability to perform the duties of their job. Examples of prohibited conduct include, but is not limited to, slurs, jokes, offensive or derogatory comments, or other verbal or physical conduct based on these characteristics. Slurs, epithets, offensive jokes, and derogatory comments have no place in the workplace. Conduct, comments, or innuendos that may be perceived by others as offensive, are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, stories, etc., via facsimile, INTERNET, voice mail, e-mail, text messaging, or other electronic means.

5.5 Complaint Review Procedures

Human Resources is responsible for the review of discrimination and sexual and other unlawful harassment complaints. Investigators from other departments may conduct and/or assist Human Resources with unlawful harassment complaint investigations. The procedures for handling unlawful discrimination and harassment complaints are as follows:

A. Reporting:

- i. Any employee who feels he or she has been subjected to unlawful discrimination or harassment, who observes prohibited discrimination or harassment in the workplace, or who otherwise becomes aware of it must report it immediately to his or her Department Head. If for any reason the employee does not feel comfortable discussing the matter with the Department Head, or if the Department Head has not been able to resolve the matter satisfactorily, the employee may contact the City's Human Resources Manager, his/her designee, or the City Manager.
- ii. Any Supervisor, Manager or Department Head who becomes aware of possible sexual or other unlawful harassment must immediately advise the Human Resources Manager or the City Manager.

- iii. If Human Resources is initially notified of a complaint, Human Resources will immediately notify the appropriate Department Head, if appropriate. All reports of discrimination or harassment will be fully investigated immediately.

B. Investigation

Each discrimination or harassment complaint will be investigated, regardless of when it was reported. Any individual who may have knowledge of the events surrounding the complaint will be interviewed regarding the nature of the allegations and instructed not to discuss the details of the incident(s) with anyone other than the complaint investigator. Upon request, the complainant may be interviewed by a representative of the same sex. At the discretion of the investigator, interviews may be recorded in written, audio and/or video format.

C. Administrative Leave

When warranted, the City may place the respondent on administrative leave with pay pending completion of the investigation.

D. Discussion

If appropriate, the respondent's Department Head will be notified of the complaint.

E. Determination Filing

Within ten (10) work days of the investigation conclusion, the City Attorney and the City Manager will be provided with a determination as to the validity of the complainant's allegations.

5.6 Disciplinary Action and Training

Disciplinary actions up to and including termination, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy.

5.7 Discrimination and Harassment Prevention

It will be the ongoing responsibility of Department Heads and supervisors to monitor work areas for inappropriate sexual and other inappropriate displays, comments or behavior and take necessary action.

5.8 Recordkeeping

All records concerning sexual and other unlawful harassment investigations are to be kept in a separate locked file in Human Resources. Access shall be approved by the Human Resources Manager to only those individuals having a need to know and in a manner consistent with state and federal law.

Section 6: Political Activity

6.1 Political Activity

Employees shall not solicit political contributions, donations, distribute campaign literature or take part in other partisan political activity while on duty or as a representative of the city.

6.2 Campaigning in Local Elections

Employees shall not campaign for or against any local issue; influence the nomination, election or defeat of any candidate for Mayor or City Council; campaign for or against a candidate for Mayor or City Council or for the recall of same. This does not prohibit the ordinary exercise of the right to express opinions or to vote.

6.3 Candidacy

An employee's ability to retain employment following the employee's candidacy for elected public officer shall be determined according to governing state and local laws.

Section 7: Conflict of Interest and Outside Employment

7.1 Policy

It is the policy of the City of Joshua to establish that no officer or employee shall give occasion for distrust of integrity, impartiality or devotion to the best interests of the City and the public trust held by such persons. No officer or employee shall use or attempt to use his official position to secure special advantage, privilege or exemption for him or herself or others.

7.2 Outside Employment

To guard against a potential conflict of interest, no employee of the City of Joshua may engage in any outside employment, contract or consultation service without first securing approval, in writing, from his or her Department Head.

7.3 Conflict of Interest/Contracts

Per Section 11.05 of the city Charter: "Elected officials, officers, or employees of the City having a direct or indirect interest in any proposed or existing contract, purchase, work, sale, or service to, for, or by the City shall not vote or render a decision, or use that position, authority, or influence in any manner that would result in personal betterment, financially or otherwise, to any degree. Elected officials, officers, or employees shall publicly disclose any such interest upon assumption of office or prior to consideration of any such matters. Any elected official, officer, or employee who willfully conceals such interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position, and shall forfeit the office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render such contract or sale voidable by the City Manager or City Council."

7.4 Ethical Standards

In order to maintain the public trust in city government, an employee of the city shall not:

- A. accept or solicit a benefit that might reasonably tend to influence the employee in the discharge of the employee's official duties;
- B. use the employee's official position to secure special privileges or exemptions for the employee or others;
- C. grant any special consideration, treatment or advantage to a person or organization beyond that which is available to every other person or organization. This shall not prohibit the granting of fringe benefits to city employees as a part of their employment or as an added incentive to the recruitment or retention of employees.
- D. disclose information that could adversely affect the property or affairs of the city, or directly or indirectly, use any information understood to be confidential which was gained by reason of city employment for the employee's own personal gain or benefit or for the private interest of others;
- E. transact any business on behalf of the city in the employee's official capacity with any business entity with which the employee is an officer, agent, or member or in which the employee has a financial interest. In the event that such a circumstance should arise, then they shall make known their interest, and turn the matter over to their superior for reassignment, state the reasons for doing so and have nothing further to do with the matter involved;
- F. personally provide services for compensation, directly or indirectly, to a person or organization who is requesting an approval, investigation, or determination from the department of which the employee is a member in a decision making position;
- G. receive any fee or compensation for services as an employee of the city from any source other than the city, except as may be otherwise provided by law. This shall not prohibit an employee from performing the same or other services for a public or private organization that are performed for the city if there is no conflict with the employee's city duties and responsibilities;
- H. knowingly perform or refuse to perform any act in order to deliberately thwart the execution of city ordinances, rules, or regulations or the achievement of official city programs;
- I. use city supplies, equipment or facilities for any purpose other than the conduct of official city business without proper authorization; or

- J. engage in any dishonest or criminal act or any other conduct prejudicial to the government of the city or that reflects discredit upon the government of the city.

7.5 Gifts Policy

A. Prohibition

Except where otherwise allowed by law, employees are prohibited from soliciting, accepting or agreeing to accept a gift or benefit from any person, firm, corporation, partnership, or association which transacts or solicits business of any type with the city that has a value in excess of what is considered a nominal value item (i.e. cookies, popcorn, logo caps/pencils, etc.)(See city Charter, Sec. 11.09)

B. Required Protocol

At any time an employee is offered a gift or token of appreciation from a citizen, company, or any other person in contact with the city, he/she is required to report the offering to his/her department supervisor. It will be decided by the appropriate department supervisor if such a gift is appropriate or is in any fashion considered of greater than nominal value. In addition, the department supervisor is bound to use discretion in discerning if public perception would in any way be affected by accepting the gift, regardless of value. If the department supervisor is uncertain, he/she should discuss the matter with the City Manager's office before allowing the employee(s) to accept the offered gift.

Section 8: Nepotism and Non-Fraternization

8.1 Policy

No officer of the City shall appoint to any office or position a person related to such officer in violation of the state nepotism laws as they now exist or may be amended.

8.2 Mayor, City Council and Appointed Officers

No person related by blood or marriage to the Mayor, to any member of the City Council, or to any elected or appointed officer of the City shall be appointed to any office, position or other service of the City including Part-time and Seasonal positions. (See city charter, Sec. 11.06)

8.3 Restricted Employment of Relatives

Relatives of City employees may be hired to full, part-time or seasonal positions, but not within the same department as the other relative.

8.4 Degree of Relationship(s)

The extent of the blood relationship is third degree on all cases set out above, and the extent of the marriage relationship is second degree in all cases set out above.

8.5 Non-Fraternization

A. Policy

Romantic or sexual relationships between a supervisor and a direct report employee can cause real or perceived conflicts of interest. In order to prevent these conflicts, the City prohibits such relationships or any conduct that is intended or may reasonably be expected to lead to the formation of a romantic or sexual relationship between a supervisor and an employee in a direct reporting relationship. This policy applies regardless of whether or not both parties freely consent to such relationships. Should a supervisor desire to date or become involved with a direct report employee, the supervisor should first resign from his/her position with the City.

Should two employees within the same department, but not in a direct reporting relationship, desire to become involved in a romantic relationship, they shall disclose the relationship to the department supervisor who shall then make a decision regarding the effect of the relationship on work product and work flow within the department. If, in the judgment of the department supervisor, the relationship between two employees within the department creates a negative effect on departmental operations, then the more senior employee will be asked to transfer or resign his/her position with the City.

B. Penalties

Any employee found to be in violation of this policy shall be disciplined up to and including discharge depending on the circumstances. An individual who is employed, promoted or advanced as the result of supervisor's violation of this policy shall, at a minimum, be returned to the status occupied prior to the violation. In the event an employee does not accept an offer to transfer to another department, as applicable, the employee may be terminated. It shall be within the sole discretion of the City to determine which employee to terminate based on the best interests of the City.

Section 9: Tobacco Free Workplace Policy

9.1 Purpose

According to the U.S. Government's Centers for Disease Control and Prevention, tobacco use leads to disease and is the leading preventable cause of death. Smoking tobacco products produces "second hand smoke", which credible studies have linked to disease in persons who are not smokers themselves. For these reasons, use of any tobacco products by any employees is strongly discouraged at all times out of concern for (a) the health of employees, their loved ones, and their fellow citizens and (b) the negative impact of tobacco usage by employees on the city's health insurance costs. Employees who would like assistance in quitting tobacco are encouraged to contact their physician or Human Resources.

9.2 Prohibitions

In an effort to preserve the health of non-smokers, protect private and public property and the public's investment in buildings and equipment owned by the city, employees are prohibited from smoking (or possessing a burning tobacco product), using smokeless tobacco product (dipping") or using an electronic tobacco-free device, e.g. "e-cigs", "vapping", "juuls", etc.:

- A. inside a building owned, operated, leased, or managed by the city or within 25 feet of an entrance to or exit from said building(s).
- B. inside or on a vehicle owned or leased by the city;
- C. at any location while on duty in which smoking (or possessing a burning a tobacco product) using smokeless tobacco product (dipping") or using an electronic tobacco-free device, e.g. "e-cigs", "vapping", "juuls", etc.;
 - i. causes, or could cause, injury to any person or damage to property, or
 - ii. exposes a person of ordinary sensibilities to second hand smoke.

9.3 Permissible Usage

Employees who use tobacco during working hours must do so:

- A. during their lunch break or at other such times as their departmental Director may allow, provided said usage is in compliance with this section 9.2, and
- B. in a responsible manner, complying with all applicable ordinances and laws, and with respect for the environment as well as the health, safety, and welfare of fellow employees and the public.

Section 10: Drug-Free Workplace Policy

10.1 Purpose

It is the policy of the City of Joshua to maintain a work environment free from the use, possession and effect of controlled substances and alcoholic beverages. The City of Joshua recognizes that drugs and alcohol impair employee judgment, which may result in increased safety risks, hazards to the public, employee injury, faulty decision making and reduced productivity. Therefore, the City of Joshua expects all employees to be in a mental and physical condition fit to complete their assigned duties safely and competently. The objective of this policy is to develop a drug and alcohol free workplace which will help insure a safe and productive workplace.

10.2 Policy and Procedures

- A. Except that it is related to the employee's role as a law enforcement officer, the manufacture, distribution, dispensing, possession, sale, purchase or use of a controlled substance or alcohol by an employee while on duty or during lunch and other breaks or at any time while the employee is on a City work site or on City work time is absolutely prohibited and constitutes cause for dismissal.
- B. Entering City property or reporting to work in an unfit condition because of the use or consumption of a controlled substance or alcohol is strictly prohibited. Any employee acting contrary to this prohibition will be subject to disciplinary action up to and including discharge.
- C. Exception to the possession, use or consumption of controlled substances while on City business or on City property may be granted if:
 - i. The controlled substance is prescribed for the user by a licensed physician; and
 - ii. The substance is being used as prescribed by the licensed physician.
- D. All employees who are using a prescription or nonprescription drug which may in any way impact their job performance, must notify their supervisor in writing as to the possible effects of such medication on the performance of their assigned duties and related physical/mental capability. The Department Head may require a doctor's statement if the employee indicates that the possible side effects may impact the performance of their assigned duties. In such instances of temporary impediment to safe performance of regular duties, the employee may be temporarily assigned to non-hazardous duties if such duties are available, or allowed to take sick leave if available and then vacation leave if available or placed on leave without pay.
- E. Alcoholism and other drug addictions are recognized as diseases responsive to proper treatment. Full-time and part-time employees may contact the City's Human Resources Department for help on an entirely confidential basis. The City Medical Plan Booklet specifies the level of coverage available for substance abuse treatment. The City also has an Employee Assistance Program (EAP) available to its employees.
- F. The sale, use, purchase, transfer or possession of an illegal drug or drug paraphernalia is a violation of the law. The City of Joshua will report information concerning possession, distribution or use of any illegal drugs to law enforcement officials.

10.3 Testing

- A. Drug and/or alcohol tests shall be administered as follows:
- i. To all applicants who have been extended a conditional offer of employment for any position with the City of Joshua.
 - ii. Upon reasonable suspicion that an employee is in violation of the drug and alcohol policy of the City.
 - iii. After a workplace injury, accident or “near miss”.
 - iv. Upon receipt of information that an employee has tampered with or otherwise influenced a previously administered drug or alcohol test.
 - v. At reasonable times and for reasonable periods during and following an employee’s participation in a drug or alcohol treatment program in which the employee is or has participated as a requirement of the drug and alcohol policy of the City of Joshua.
 - vi. As part of a random draw for those with CDL licenses.
- B. Failure of the employee to submit to drug or alcohol testing will likely result in disciplinary action up to and including termination.

10.4 Definitions

- A. Controlled Substance: Drugs and other substances that are considered controlled substances under the federal Controlled Substances Act.
- B. Unfit Condition: The employee’s behavior or ability to work are affected by controlled substance or alcohol, or the combination of them, in any detectable manner.
- C. Alcohol: Any beverage containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes either alone or when diluted.
- D. Alcohol Test: Means testing for blood alcohol content by a breathalyzer instrument or drawing and collection of blood or serum sample and the laboratory analysis thereof.
- E. Drug Paraphernalia: means equipment, a product, or material of any kind described in Section 1.02 of the Texas Controlled Substance Act, and inhalant paraphernalia possessed, used or delivered in violation of the provisions of the Texas Health and Safety Code.

- F. Drug Test: means collection of a urine specimen by medical personnel and a laboratory analysis of that specimen, any additional screening and confirmatory testing, or such other screening and/or testing as may be established based upon the then current and appropriate technology.
- G. Near Miss: unplanned event that did not result in injury, illness, or damage – but had the potential to do so.
- H. Reasonable Suspicion: means a conclusion based on personal observation of a specific objective instance of employee conduct suggesting that an employee is under the influence of a drug or alcohol.
 - i. Examples include, but are not limited to:
 - a. Odors (smell of alcohol, body odor or urine).
 - b. Movements (unsteady, fidgety, dizzy).
 - c. Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
 - d. Face (flushed, sweating, confused or blank look).
 - e. Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
 - f. Emotions (argumentative, agitated, irritable, drowsy).
 - g. Actions (yawning, twitching).
 - h. Inactions (sleeping, unconscious, no reaction to questions).
- I. Workplace Injury: an event or exposure in the work environment either caused or contributed to a resulting condition or significantly aggravated a pre-existing injury or illness that results in one or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

10.5 Pre-employment Testing

- A. All applicants for employment with the City of Joshua will be required to submit to pre-employment drug testing prior to hiring. Only applicants who have completed the interviewing and selection process and have been extended conditional job offers will be required to submit to drug testing. Any job offer that is extended to an applicant will be contingent upon negative test results.
- B. The applicant will be requested to sign a Controlled Substances and/or Alcohol Test Authorization/Consent Release Form. If the applicant is a minor, he/she and his/her parent or legal guardian must also sign a Parental Consent and Release Form. Any applicant who refuses to sign a consent form or who refuses to undergo the drug testing will have the conditional offer revoked and will be ineligible for future employment consideration with the City of Joshua.

Section 11: Employee Assistance Program

11.1 Purpose

An Employee Assistance Program is available to employees who voluntarily seek assistance or are referred under this policy.

11.2 Employee Assistance Program Availability

Prior to a suspected violation under any section of this policy, any employee may avail himself/herself of the Employee Assistance Program. In order to do so, the employee must do the following:

- A. Communicate to his/her Department Head or Human Resources prior to request for drug or alcohol test that he/she may be suffering from illicit drug, illegal inhalant, or alcohol abuse or addiction.
- B. Agree and commit in writing to undergo or participate in a program of counseling, treatment or therapy prescribed or recommended by the Employee Assistance Program.
- C. Execute a release which will authorize any and all doctors, counselors, therapists or other care providers to provide to Human Resources, upon written request, a statement as to whether the employee is fulfilling all the requirements or obligations his/her Program, whether the Program has been successfully completed, and whether the employee is released to continue work with the City; and
- D. Agree in writing, upon successful completion of the Program, to pass an initial test for illicit drugs and/or alcohol before returning to work and to submit to periodic and/or random drug and alcohol testing for a period of at least six months following the completion of the Program. This agreement is a condition of continued employment.
- E. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion and as may otherwise be required under the Family Medical Leave Act.

11.3 Treatment Program Availability

An employee who seeks services by a treatment program other than the City's Employee Assistance Program is encouraged to check with his/her medical carrier to determine the availability and level of insurance coverage for such services. There are a number of drug/alcohol treatment programs available. An employee who wants to

know more about the Employee Assistance Program and its services may contact Human Resources or may call the Employee Assistance Program directly.

Section 12: American with Disabilities Act of 1990

12.1 Policy

In compliance with the Americans with Disabilities Act of 1990 the City of Joshua shall not discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, hiring, training, and other terms, conditions, and privileges of employment.

12.2 Examination

The Department Head may require a medical examination after a conditional offer of employment has been made to a job applicant and prior to the commencement of the employment duties of such applicant, and may condition an offer of employment on the result of such examination if :

- A. All employees entering the job category are subjected to such an examination regardless of disability;
- B. Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:
 - i. supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;
 - ii. first aid and safety administration may be informed, when appropriate, if the disability might require emergency treatment; and,
 - iii. government officials investigating the City's compliance with the law shall be provided relevant information on request; and
 - iv. the results of such examination are used only in accordance with the law.

12.3 Reasonable Accommodations

The Americans with Disabilities Act requires an employer to provide reasonable accommodations for individuals with disabilities, unless the provision of the accommodation would cause undue hardship for the City. A reasonable accommodation is any change in the work environment or in the way a job is performed that enables a person with a disability to enjoy equal employment opportunities.

- A. If an accommodation is required, the employee must inform his supervisor that there is a need for an adjustment or change at work for a reason related to a medical condition or disability.

- B. Supervisors will respond promptly and to the best of their ability to accommodate the needs of all employees.
- C. If an employee believes he is being treated unfairly because of a disability, or that a request for a reasonable accommodation has not been properly responded to, the employee should contact Human Resources.

Section 13: Working Hours

Scheduled working hours, lunch and rest breaks are established for each employee by his supervisor. This schedule may change from time-to-time depending on the needs of the City.

Section 14: Conformance

Employees are required to do as they have been assigned or instructed by their supervisors. If the employee believes an instruction or order is improper, he/she should obey the instruction or order and file a complaint after carrying out the order or instruction. If the employee believes the instruction or order is illegal, or if followed would result in physical injury to the employee or others, or damage to City or public property or equipment, the employee should request approval by the next higher level of supervision before performing the work unless the danger complained about is inherent to the job. Certain jobs, such as those in public safety, are inherently dangerous and addressed by departmental policy.

Section 15: Tuition Reimbursement

15.1 Policy

City of Joshua's regular full-time employees are eligible to apply for reimbursement for tuition, eligible fees and required textbooks for eligible courses including on-site, on-line, or correspondence courses.

A. Eligibility

In order to be eligible for reimbursement, the following criteria must be met:

- i. The employee shall have completed one year of full time employment and be in good standing with the City.
- ii. In order for a course to be eligible for reimbursement, it must be from an accredited school, college, university, or technical school.
- iii. The course of study must also be in a field that is an available career path within the City organization.

- iv. Accreditation and other questions will be handled on a case-by-case basis and in the sole judgment of the Human Resources Manager.
- v. Employee must apply within 10 days of registration in order to get approval.
- vi. Job related seminars, workshops or other courses, which are short term, are ineligible for tuition reimbursement. Instead, these short-term courses should be funded through a department's training fund and applied for through the respective departments.

B. Grades Required

- i. Grades must be submitted with a request for reimbursement.
- ii. If an employee drops the course or does not receive a "C" or better, the employee will not be reimbursed for the course.

C. Reimbursement

- i. Reimbursement shall be for tuition and eligible fees. Schedules of tuition and required fees for Texas residents at state-supported colleges and universities will be the official guidelines in determining eligible fees.
- ii. The City will participate in these costs up to a maximum of \$500.00 per course with a total FY maximum of \$1,000.00 annually per employee.

D. Course Schedule

- i. Course times and schedules must accommodate the regular work schedule. Any courses that interfere with daily work routines must be approved by the Department Head.
- ii. Any change needed in work time in order to fit class schedules must first comply with the needs of the department and the City.
- iii. This policy in no way guarantees someone time off or schedule rearrangement.

15.2 Reimbursement Procedures

- A. Any employee that wishes to apply for tuition reimbursement must notify their supervisor no later than the first day of May each year.
- B. Employees will submit an original Tuition Reimbursement Application Form (Appendix), attach a copy of the receipt(s) for tuition and fees to the form and give to the employee's supervisor. Section 2 of the application will be completed and approved/disapproved by the employee's supervisor and Department Head.

- C. All paperwork is then forwarded to Human Resources (no later than 10 days after registration).
- D. If approved, the request for reimbursement to the employee will be submitted to the Finance Department.
- E. Upon completion of the class, the employee must submit a copy of the grade sheet to the Human Resources Department.
- F. Reimbursement will be made as soon as practicable following submission of the final grade report to the Human Resources Department.
- G. Any employee who receives "Tuition Reimbursement" and leaves City employment within twenty-four months of receiving the Tuition Reimbursement (due to voluntary termination), shall repay the City all "Tuition Reimbursement" paid to them within the twelve months prior to actual date of termination.
 - i. As a recipient of "Tuition Reimbursement", the employee authorizes the City to deduct the balance owed for "Tuition Reimbursement" from his/her paycheck or any other final payments due to the employee.
 - ii. The employee understands that, if sufficient funds are not available to satisfy the "Tuition Reimbursement" owed to the City, the employee will pay the balance owed to the City by personal check, cash, or money order.

Section 16: Inclement Weather

16.1 Closings and Delays

It is the policy of the City Offices to remain open during most periods of inclement weather; however, where extraordinary circumstances warrant, due to weather or other unforeseen business interruption, the city reserves the right to close facilities. Should this occur, the city will post the closure on the homepage of the website.

Employees who would normally report to a city office closed due to weather are paid at their regular pay rate for the time when city offices are closed due to inclement weather. Time off beyond the closure must be approved and the employee must use their leave to be paid.

Employees providing services that relate directly to the health, safety and welfare or key operations of the City are required to report during inclement weather. This includes commissioned police officers, certified firefighters, public works and parks department employees and any other employees directed by the city manager or their designee. Employees expected to work when city offices are closed but determine it is not safe to

travel to work may coordinate the use of leave time with their supervisor. Department heads may allow these employees to leave early when it does not compromise the ability of the city to provide emergency services.

Section 17: Filling of Positions/Vacancies

17.1 Announcements

- A. The Human Resources Department shall publicly announce by appropriate means all job vacancies.
- B. Job vacancies may be posted on the City website, on bulletin boards located at City Hall or various other websites and publications.
- C. Each job announcement insofar as practicable shall specify the title, salary, and nature of the job, the required qualifications, and the application deadline.
- D. Each announcement shall also contain a statement affirming the City's commitment to a policy of equal employment opportunity.
- E. This provision does not preclude promotions or transfers being done internally without advertising.

17.2 Applications

Applications for initial employment, promotion, or other type of transfer shall be submitted as required to the Human Resources Department, with the exception of applications for police employees which will be processed in accordance with Police departmental policy.

- A. All information submitted in connection with the application process is subject to verification.
- B. Six months after a position is filled, all remaining applications for that position will be placed in a general inactive file and will not be considered for any other vacancies.
- C. Application received without a vacancy, advertised position will be kept active for only six months.

17.3 Selection Process

- A. The primary goal of the City is to fill vacancies with highly qualified applicants that are the best suited for the position.

- B. The City Manager, Department Head, or their designee shall determine the most appropriate means of evaluating applicants against job requirements and organizational mission to identify the qualified persons suited for the job.
- C. Reference checks, interviews, medical and psychological examinations, criminal history checks, verification of citizenship or employment eligibility, skills test, written tests, driver's license checks, and/or other screening procedures may be used as deemed appropriate and in all cases shall be consistent with the applicable employment laws and regulations.

17.4 Training and Evaluation Period

- A. All regular employees shall be placed in a training and evaluation capacity for a period of six (6) months.
- B. This training and evaluation period will be utilized for closely observing the employee's work; for securing the most effective adjustment for a new employee to the position; and for dismissing any employee whose performance does not meet the required work standards.
- C. During this training and evaluation period, employees have no opportunity of appeal for termination.

17.5 Promotional Opportunities

- A. A promotion is the assignment of an employee from a position in one classification to a position in higher job classification.
- B. An employee is eligible to apply for a promotional opportunity if he/she meets the minimum qualifications for the position.
- C. Police Department promotions are managed internally, all other applications for city promotion should be made through the Human Resources Department when opportunities are officially posted.
- D. The City of Joshua reserves the right to select individuals that it deems best suited for positions consistent with equal opportunity laws and fairness.

17.6 Transfers

- A. A transfer is the assignment of an employee in one position to another position in the same pay grade.
- B. An employee interested in a transfer must apply through the Human Resources Department when such an opportunity is posted.
- C. An employee is eligible to apply for a transfer if he/she meets the minimum qualifications for the position.
- D. The City of Joshua reserves the right to select individuals that it deems best suited for positions consistent with equal opportunity laws and fairness.

17.7 Demotions

- A. A demotion is the assignment of an employee from one position to another position in a lower job classification having fewer responsibilities or requiring less experience, education, technical, or professional expertise, and will result in a reduction in salary.
- B. The employee must be capable of performing completely all those duties required in the job to which he or she is demoted.
- C. An employee may be demoted for the following reasons:
 - i. Result of a disciplinary action with the approval of the City Manager.
 - ii. At the request of the employee with approval of the Department Head and City Manager if the employee is qualified to perform the duties of the lower level position.
 - a. Demotions that occur at the request of the employee shall not be deemed a disciplinary action or to disqualify the employee from consideration for later advancement.

17.8 Reclassification

- A. A job reclassification occurs when an employee's assigned, current job duties are reviewed, evaluated and found to be substantially different than those of other jobs similarly classified, and it is determined that the employee's job should be called by another job title and/or assigned to another pay grade or job classification.

- B. A position may be reclassified to a pay grade and classification that is higher, lower or equal to the employee's current position.
- C. Reclassification does not change an employee's annual performance evaluation date.
- D. Requests for Reclassification may be initiated by the Department Head.
- E. Employees may request a Reclassification review by contacting their Department Head.
- F. Reclassification requests must be approved by the City Manager.

17.9 Temporary Assignments

- A. An employee may be temporarily assigned to a position in a higher classification or pay grade.
- B. A temporary assignment to a higher job classification does not constitute a promotion and shall not be used to circumvent normal selection procedures.
- C. An employee in a temporary assignment shall not acquire any status or rights in the class to which temporarily assigned.
- D. Compensation for temporary assignments shall be made according to the City's official compensation plan. However, The City of Joshua reserves the right to assign higher-level duties to an employee without additional compensation.
- E. Additional compensation for temporary assignments or acting duty shall be paid only if officially authorized by the Department Head and rate of pay shall be assigned by the City Manager.
- F. A temporary assignment shall not exceed a term of six (6) months.

17.10 Layoffs – Reduction in Force

An employee may have his/her employment terminated due to the elimination of budgeted positions. If there are more filled positions with the same job title than positions which must be eliminated, the decision regarding which employee to lay off will be based on job performance.

Section 18: Employee Performance Evaluations

18.1 Annual Evaluation

- A. All Regular Full-time employees shall be evaluated formally, in January each calendar year.
- B. Performance Evaluations shall consist of a written evaluation and a discussion of the evaluation the employee and the supervisor.
- C. Evaluation forms will be developed by Human Resources and approved by the City Manager for all City departments.

18.2 Employees in the Training/Evaluation Period

- A. Newly hired employees will experience an intense period of job orientation for the first year of employment, and will be evaluated as often as necessary.
- B. New employees should receive a formal evaluation 6 months after hire.

18.3 Appeal of Performance Evaluation Rating

- A. If an employee believes they have received an unfair or incorrect performance evaluation, the employee should first discuss the evaluation with his/her supervisor during the initial evaluation interview.
- B. Following discussion with the supervisor, the employee may make written comments on the evaluation form, or attach them to the form, outlining the reason the evaluation is unfair or incorrect. These written comments shall become part of their personnel file.
- C. Signing your written evaluation form does not indicate your agreement with the review, only that you have received it. A supervisor will write "Refused to Sign" on any evaluation a subordinate refuses to sign. By refusing to sign the acknowledgement the evaluated employee gives up any their ability to initiate a formal complaint regarding the evaluation.
- D. An employee who remains dissatisfied with his evaluation after discussion with the supervisor and wishes to initiate a formal complaint through the chain of command should immediately ask the supervisor or the Human Resources Department to provide a copy of the Employee Complaints/Appeals policy.
- E. An employee has 10 business days from the date of the evaluation interview to initiate your formal appeal.

18.4 Merit-based Base Pay Increases

- A. The city will annually allocate a merit pool recognizing employees' performance. The merit pool will be a percent of the city payroll to be distributed October 1st of each fiscal year among employees who receive annual appraisals during the preceding evaluation period (January of each calendar year) that "meet", "exceed" or "far exceed expectations". Employees who do not receive at least a "meets expectation" appraisal are not eligible for a merit increase.
- B. Merit Increase Rates
- i. Far Exceeds Expectations: merit increases will be awarded per the average merit pool plus two percent.
 - ii. Exceed Expectations: – merit increases will be awarded the allocated merit pool base plus one percent.
 - iii. Meets Expectations: merit pool base amount.

Section 19: Education and Training

All employees shall have the knowledge and expertise to do their job. Employees will have a minimum educational standard required for their position. In addition, the City of Joshua will provide the following:

- A. On the job training: Each employee will receive training on procedures, policy, and equipment by their supervisor and other employees in similar positions.
- B. Government required education, registration and licensure: All employees so required will achieve and maintain their own educational, registration and licensure requirements.
- C. Additional training and education: From time to time, additional training and education will be required to enhance job performance, knowledge and expertise.

Section 20: Memberships in Organizations and Associations

The City of Joshua may pay for memberships in organizations and associations whose objectives and purposes are directly related to the objectives and purposes of the City. Each Department Head will be responsible for approving payment for membership in the organization.

Section 21: Commitment

21.1 City Organization (All city employees)

The city workforce exists to provide essential municipal services to the community. The city organization is committed, within its financial constraints, to maintaining a workforce of the most qualified workers to provide reliable, quality, and cost efficient services to the community in a respectful and friendly manner.

21.2 Responsibilities of Management

In keeping with the respect due each employee, city management is committed to:

- provide effective and efficient delivery of services;
- compensate employees fairly for work done;
- provide safe, healthy, work conditions in accordance with provisions of all applicable law;
- adequately instruct and train employees in their duties;
- supply necessary tools and equipment (except those customarily provided by employees);
- provide reasonable opportunities for development experience and competitive advancement; and
- actively engage in equal opportunity activities.
- City management shall not dismiss an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual's race, color, age, religion, sex, national origin, disability, pregnancy, military status, political opinions, or affiliations.

21.3 Employee Responsibilities

An employee shall:

- be loyal to and meet the reasonable expectations of city management and the citizens of the city,
- report to work regularly and at the time specified by their supervisor;
- consistently meet or exceed performance standards established for the employee's job;
- work in a professional, cooperative, safe, and friendly manner; and
- strive to get along well with co-workers and citizens.

Section 22: Dress Code/Appearance

22.1 General Policy Statement

All employees must maintain a clean, neat, and appropriate appearance while on duty and dress in a manner that:

- A. creates public confidence in the competence of the City and its employees and

- B. is appropriate for the type of services being provided by the employee, consistent with the expectation of customers served, and in keeping with professional practices.

22.2 City-wide Standards

A. Hygiene

All employees shall be aware that appropriate hygiene is required at all times. Hair should be clean and appropriately kept. Beards and mustaches should be kept clean and neatly trimmed.

B. Jewelry and Body Art

Visible tattoos are required to be covered for all administrative employees. (Employees who are responsible for work that is primarily performed outdoors and who are routinely subjected to extreme weather may request a temporary seasonal waiver. Requests shall be considered on a case-by-case basis.) No tongue rings, brow rings, facial piercings, ear gauges, or visible belly-button rings are permitted. Persons who have facial piercings or ear gauges upon hire, will be required to plug or cover these items during work hours. Department heads will work with the employee to approve the appropriate cover for such items. Religious accommodations may be made for some form of body jewelry or piercing, but will be discussed with department management and human resources should a religious accommodation be requested by the employee.

C. City Uniforms/Logo Apparel Off-duty

Clothing with city logos or other uniforms or clothing items that identify a person as a city employee will not be worn to bars, night clubs, adult entertainment establishments, while consuming alcohol in public, or at any off-duty location in which a person of reasonable sensibilities would view as inappropriate for a city employee.

D. Foot Wear

Foot protection may be regulated as needed and uniform or steel-toe boots may be required to prevent employee injury. Employees who are approved by a Department Head to purchase city provided boots, may be allowed an allowance equivalent to an entry level model of steel-toe boot by Redwing or equivalent. If additional City funds are spent on boots, department head approval is required and should be documented for the Finance Department.

E. Denim

Department heads who have field personnel that have job duties in which wearing of business casual dress clothes is not functional due to outdoor job duties or duties related to moving heavy equipment may designate positions in which denim is allowed during the week.

22.3 Administrative Employees

Administrative employees are expected to wear business casual attire except that more traditional business attire may be required for:

- A. Formal business meetings
- B. Special events.
- C. As directed by a supervisor.

Samples of appropriate business casual dress include:

- Slacks
- Docker-style pants (e.g. “khakis”)
- Collared Shirts (short/long sleeve button down; “polo” style short sleeve)
- Sweaters (but not including “hoodies” or sweatshirts)
- Skirts and dresses of appropriate length
- Blouses
- Loafers and all styles of dress shoes

22.4 Casual Dress Days

Fridays shall be standing casual days, allowing employees the freedom to wear blue jeans, collared shirts and/or athletic footwear that are appropriate for a professional business setting. Athletic shoes should be clean and in good repair.

The City Manager may declare a casual dress day at any time.

22.5 Prohibited and Restricted Clothing

A. The following items are prohibited at all times:

- tattered jeans or shorts
- athletic wear (excluding tennis shoes)
- shirts with language or graphics that are vulgar, sexually explicit, or may otherwise be offensive
- attire that is revealing or provocative
- clothing which advertises any product or displays writing or logo(s) of any kind other than the official logo/name of the City of Joshua or one of its Departments (note: discreetly placed name/logo of the clothing manufacturer are excepted)
- flip-flops, beach/water shoes or any type of loose footwear
- sweat/wind suits
- overalls/coveralls
- leggings/stirrup/yoga pants
- “baggy” or “sagging” pants
- see-through blouses or shirts
- hairnets
- sports bras, halter tops, or similar attire
- tank tops

- clothing that allows bare midriffs
- open-toed shoes
- loose clothing

B. The following items are restricted:

- Sleeveless shirts/blouses/tops, sundresses, and spaghetti straps of any variety may be worn only if covered by a jacket, sweater, or top-shirt.
- Shorts, T-shirts and Jeans (Denim): Departmental heads may permit these items to be worn when he/she determines wearing of such clothing is in keeping with the General Policy Statement above.

22.6 Fire and Police Personnel

Sworn Fire and Personnel shall comply with the dress code established by their respective Chiefs.

22.7 Responsibilities

In all cases, the city administration will make the determination as to what is appropriate dress and grooming. Normally, the Department Head will determine appropriateness; however, the City Manager has final determination. If there are any questions about the dress code, employees should ask their supervisor or Department Head.

A. Managers/Department Heads

It is the responsibility of managers, department heads and front-line supervisors to ensure employee compliance with this dress code and to treat employees fairly in the enforcement of it. Human Resources will be available to assist with more formal discipline if verbal conversations with employees regarding failure to follow the dress code are not effective.

B. Employees

Employees are responsible for complying with this Policy.

Any employee who is not appropriately groomed or who dresses in violation of the policy will be sent home. Under such circumstances, non-exempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming and/or personal appearance violates this policy may be disciplined, up to and including termination of employment.

Section 23: Contact with the Public and the Media

23.1 Policy

Employees are the ambassadors of the City to all they meet. Employees should be courteous, polite, and helpful.

- A. Employee behavior and attitude should reflect a professional, positive image of the City. If the help that is needed is “not your job” try to find the people or direct the person to the right people to assist them.
- B. If an individual is asking about the policies and opinions of the City, direct them to your supervisor. The employee is not there to defend or judge the job they have been assigned to do.

23.2 Media

In general, contact with the media is centralized to the City Manager as Public Information Officer (PIO), or his/her designee. Media contact dealing with Police or Fire department business goes through the appropriate department’s PIO. If an employee is contacted by a member of the media, the employee needs to refer them to the appropriate PIO.

Section 24: Discipline Policy

24.1 Purpose

To provide a uniform and consistent policy for employee discipline, and establish guidelines for management actions designed to correct the conduct of employees who have engaged in unacceptable behavior.

24.2 Policy Goal

It is the goal of the disciplinary process to give employees, when appropriate, the opportunity to improve by identifying what specific actions they must take in order to meet behavior standards; and, to ensure that disciplinary procedures are applied uniformly and consistently, in accordance with relevant facts, City policies, ordinances and work rules.

24.3 Application of Policy

- A. Employees in Training and Evaluation Period: This policy does not apply to employees that are in the training and evaluation period. An employee in the training and evaluation period may be discharged without right to review or appeal unless otherwise required by law.
- B. Prohibited Activities: Disciplinary action will be imposed for violations of City or Departmental policies and procedures, codes of conduct, and/or rules and

regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees or citizens at risk, will also likely result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- i. Theft or inappropriate removal or use of property not your own
- ii. Falsification of timekeeping or other records, including employment application
- iii. Working under the influence of alcohol or illegal drugs or abuse of legal drugs
- iv. Sexual or other unlawful harassment
- v. Excessive absenteeism or tardiness or absence without notice
- vi. Breaks in excess of the allotted time allowed
- vii. Violation of smoking policy
- viii. Profanity or abusive language
- ix. Violation of safety or health rules and failure to immediately report an on-the-job injury
- x. Coercion, intimidation, or threats against citizens, supervisors, coworkers, or City officials
- xi. Making or publishing false, vicious, or malicious statements about the City, a coworker or a supervisor
- xii. Interfering with work schedules or another employees ability to work
- xiii. Misuse of City telephones, computers, mail systems, etc.
- xiv. Unauthorized disclosure of confidential information
- xv. Violation of City or Departmental policies, codes of conduct, rules and procedures
- xvi. Failure to be considerate of coworkers, citizens or others
- xvii. Unsatisfactory performance or conduct
- xviii. Disruptive activity in the workplace
- xix. Fighting, provoking or instigating a fight, or threatening violence in the workplace
- xx. Conduct which results in waste or damage of coworkers', City or citizen-owned property
- xxi. Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers and animal control officers required to carry a weapon as part of their job duties).
- xxii. Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- xxiii. Outside employment that conflicts with, or potentially conflicts with, City interests
- xxiv. Insubordination or other disrespectful conduct
- xxv. Violation of local, state or federal laws

- xxvi. Lying or willful omission of fact
- xxvii. Failure or refusal to follow lawful orders
- xxviii. Sleeping on the job (except for Fire Department personnel who are governed by applicable Fire Department Rules and Regulations)
- xxix. Dishonesty, including misrepresentation during hiring process

24.4 Disciplinary Actions

Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

A. Informal Discussion/"Coaching"

When a behavior or performance problem is identified, the problem is discussed with the employee along with the steps that need to be taken in an effort to resolve the issue and improve performance.

B. Warning

This is a verbal or written warning from a department head to an employee that his/her conduct is unacceptable, and that repeated or continued failure to conform his/her conduct or performance to City standards will result in more severe disciplinary action.

- i. During a verbal warning, an employee will be counseled by his supervisor and told what improvements are necessary and expected to correct any performance deficiencies.
- ii. A record of the notice of the verbal or written warning shall be made and retained in the employee's personnel file.
- iii. The written and or verbal warning includes all of the following information:
 - The employee's name
 - The date of the warning
 - The specific offense and date of occurrence
 - A specific statement of expected performance
 - Any explanation or other information that is necessary to make the warning effective
 - Name of supervisor issuing warning
 - Notation whether employee warning is being given during the employees training and evaluation period

C. Written Reprimand

A written reprimand presented to an employee by a department head will describe the unacceptable conduct or performance of the employee and specify needed changes or improvements.

- i. The employee will be given an opportunity to write a response to the written reprimand.
- ii. A copy of the written reprimand, along with any employee response, will be retained in the employee's personnel file.

D. Decision Making Leave

Decision making leave with pay is a positive form of discipline that may be appropriate in some situations. It may be used alone, as an alternative to other types of discipline, or in combination with other forms of discipline.

- i. The purpose of decision making leave with pay is to give employees time to decide if they wish to remain employed by the City, and if so, if they can and will correct their behavior.
- ii. Decision making leave with pay may only be used one time for the same employee and cannot exceed one day or one shift, as appropriate.

E. Suspension or involuntary demotion

An employee may be suspended or involuntarily demoted for repeated instances of minor misconduct, failure to conform his conduct or performance to the standards of his position, or for a single serious offense.

- i. A record of the suspension or demotion will be retained in the employee's personnel file.
- ii. The employee, following an opportunity to present the employee's side of the story, may be suspended without pay, or involuntarily demoted.
- iii. Continued occurrences of the behavior for which an employee is suspended or demoted will likely lead to termination.
- iv. The employee shall sign the notice of suspension or involuntary demotion acknowledging receipt of the notice or the employee's refusal to sign shall be noted.
- v. With the approval of the City Manager, the employee may be placed on administrative leave with pay pending the completion of an investigation of an incident by the City.
- vi. If the City's investigation determines no misconduct occurred, the City may, in its sole discretion, make the employee whole by reimbursing for lost pay, if any, and returning the employee to work.

F. Termination

If an employee fails to conform his conduct or performance to the standards required by the City, the City may, in its sole discretion, terminate the employee's employment. All termination notices shall be hand delivered or sent certified mail.

24.5 Rights Reserved

The City may bypass any or all of the disciplinary steps and begin the disciplinary process at any level, depending upon the following: severity of the conduct, the employee's work performance and prior disciplinary history, frequency or combinations of infractions, the employee's length of service and any mitigating circumstances.

24.6 Procedures and Notices

The procedures for a disciplinary action of, suspension, demotion, or termination include the following:

A. Pre-disciplinary meeting

Before any disciplinary action of suspension, demotion, or termination is taken against an employee, the supervisor is required to meet with the employee and provide to the employee a "charge letter", detailing the violation and what discipline could be imposed. The employee shall respond to the charge letter in writing within 48 hours.

B. Reprimand, suspension, demotion, and termination

A supervisor has the authority to reprimand, suspend, demote, or dismiss an employee. When one of these disciplinary actions is taken against an employee, the employee must be given written notice stating:

- i. the type of disciplinary action taken, i.e., reprimand, suspension, demotion or dismissal;
- ii. the specific rule or rules violated;
- iii. the specific acts of the employee which were in violation of the rule;
- iv. the employee's right to appeal, if any, to a specific office within a specified time; and
- v. the finality of the action if the employee fails to appeal within the specified time.

24.7 Felonies and Misdemeanors

- A. Employees must immediately notify their supervisors and/or Department Head if they are investigated, questioned, interviewed, arrested, charged, indicted,

convicted, receive deferred adjudication for, or plead nolo contendere to any misdemeanor or felony; provided, however, employees who do not drive as part of their job duties with the City are not required to report minor traffic violations.

- B. Should an employee come under the suspicion of a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, the employee may be placed on administrative leave (with or without pay) until the city conducts and concludes internal investigation and all related administrative matters are concluded. Such a determination will be made by the appropriate Department Head and the City Manager.
- C. An employee on administrative leave may be reinstated to the position held before being placed on administrative leave (if available) if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.
- D. The City reserves the right to conduct criminal checks on employees at any time, to determine if an employee has been arrested, convicted or has otherwise disposed of a criminal charge. In the event an employee has failed to report an arrest, conviction, deferred adjudication or other disposition of a criminal matter, as required in this Section, the employee may be subject to disciplinary action up to and including discharge.

Section 25: Grievance and Appeal Policy

25.1 Purpose

To create options for employees to use in resolving certain workplace conflicts and disputes.

25.2 Policy

It is the policy of the City of Joshua to attempt to prevent the need for employee grievances, and to deal promptly with those which do occur.

25.3 Grievant Protection

The City of Joshua's policy prohibits anyone from taking adverse or retaliatory action against an employee for the sole reason that the employee filed a grievance.

25.4 Informal Grievance

- A. The first step in the grievance procedure is for the employee to attempt to resolve the grievance by an informal conference with his or her immediate supervisor within five (5) working days after the events upon which the grievance is based.

- B. If an informal conference with the supervisor does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal grievance.
- C. If the grievance is against the employee's immediate supervisor, a formal complaint must be filed with the next level of supervision or up to the Department Head level.
- D. If the grievance is against the Department Head, a formal complaint must be filed with the Human Resources Department.

25.5 Formal Grievance

- A. Formal grievances shall be in writing, signed by the employee, and presented to the Department Head within five (5) working days after the informal conference is held or if an informal grievance is not held, within five (5) working days of the events upon which the grievance is based.
- B. All formal grievances must be written and submitted to the employee's Department Head on the City's grievance form and may include a memorandum.
- C. The grievance form must be fully completed by the employee before it will be considered. Any documentation which helps to explain the grievance must be attached to the grievance form, including:
 - i. Copies of relevant policies
 - ii. Copies of relevant rules or regulations
 - iii. Who was involved in the action and when it occurred
 - iv. The adverse disciplinary action taken
 - v. The alleged conduct complained of
 - vi. The remedy sought; and
 - vii. Any other information or documentation relevant to the grievance
- D. After being presented with a formal grievance, the Department Head shall:
 - i. Investigate the matter and attempt to make a decision on the grievance within 10 working days; and
 - ii. Communicate the decision on the grievance to the employee in writing within two (2) working days after a decision has been made.
 - iii. When a decision is not made within ten (10) working days the city manager must be notified and an extension not to exceed 10 days may be granted.

- E. If the grievance is still not resolved to the employee's satisfaction, the employee may, within five (5) business days of the Department Head's decision, request that the City Manager review the decision.
 - i. The written grievance and a copy of the Department Head's decision will be forwarded to the City Manager for review. The City Manager shall:
 - a. Investigate the matter and make a decision on the grievance within fifteen (15) working days; and
 - b. Communicate the decision on the grievance to the employee in writing within two (2) working days after a decision has been made.
 - ii. The decision made by the City Manager shall be considered final and binding.

25.6 Group Grievances

Group grievances occur when two or more employees file grievances that are similar in nature and may be addressed collectively, the Department Head or the Human Resources Manager may group the individual grievances into a single grievance and forward to the City Manager for review.

- A. The affected group of employees must select not more than two representatives to act on behalf of the entire employee group for purposes of the grievance.
- B. The acceptance by the employee representative(s) of a decision or resolution of the matter will be binding on all of the employees in the group.
- C. The decision made by the City Manager shall be considered final and binding.

25.7 Investigation Procedure

The manner of investigating a grievance shall be left to the discretion of management, but will normally involve, at a minimum, an interview with all parties identified as being involved and a review of all documents relative to the grievance.

Section 26: Safety Policy

26.1 General

It is the policy of the City to make every effort to provide healthful and safe working conditions for all its employees.

- A. Employees will follow all established safety regulations and use all safety equipment provided by each department.

- B. Each Department Head is responsible for reviewing all work procedures and enforcing all necessary safety rules, and providing any safety equipment necessary to provide a safe working environment.
- C. Employees shall immediately report any accidents or injuries occurring on the job to their supervisor.
 - i. The supervisor shall take all necessary action to ensure the safe transportation and/or treatment of the injured.
 - ii. The supervisor shall then notify the Human Resources Manager of the incident, and shall file a written accident report with the Human Resources Department.
- D. Employees shall not be compelled by orders of a supervisor to commit acts that are unlawful or pose unusual and unnecessary risk to the health or life of the employee.
- E. Safety is important to the City and to the Employee. Failure to follow safety rules is grounds for discipline up to and including termination.

26.2 Use of Electronic Communications Devices and Safe Driving

- A. All City employees are expected to drive with safety as the first consideration. This includes driving safely while operating cellular telephones, electronic paging devices, and or other wireless personal communications devices.
- B. Recommendations for safe handling of vehicle-based calls from the wireless communications industry are to be followed and include the following:
 - i. When driving use voice-activated dialing, have frequently called numbers preprogrammed into the device, pull off the road to dial, or ask a passenger to dial.
 - ii. Do not use the wireless communications device at all if there are hazardous road or traffic conditions.
 - iii. Avoid multiple tasks when driving, such as trying to take notes while you are using a wireless communications device.
- C. Employees are responsible for, and will be accountable for, safe driving at all times.
- D. Texting, emailing, or sending any other type of electronic message while driving on City business is strictly prohibited.

26.3 Driver License and Driving Record

It is the policy of the City of Joshua to attempt to prevent the need for employee grievances, and to deal promptly with those which do occur.

- A. Any employee required to operate a City vehicle or who operates any vehicle as part of his job duties must have a current and maintain valid Texas driver's license and maintain an insurable driving record. Proof of a valid driver's license is required before the employee may begin employment.
- B. The City reserves the right to review the driving record of any Employee required to drive a City vehicle or operate any vehicle as a regular part of their job at any time.
- C. An employee who routinely uses his personal vehicle on official business will be required to show proof of liability insurance coverage.
 - i. Minimum insurance requirements as specified the City's insurance carrier must be in effect at the time your personal vehicle is used.
 - ii. It is the employee's responsibility to submit a copy of a current Texas driver license and insurance ID card to your Department Head BEFORE the expiration date.
- D. In order to ensure the safety of all the employees and the public, an employee may be forbidden to operate street vehicles based on the employee's driving record. If driving is an essential function of the job, this may result in termination.
- E. An employee charged with, but not convicted of, any major moving violations including D.W.I. or D.U.I., may be removed from driving pending the resolution of the alleged violation. If driving is an essential function of the job, this may result in termination.
- F. If driving is a requirement for his/her job and an employee's driving license becomes invalid or is suspended, an employee must report this immediately. If driving is an essential function of the job, this may result in termination.

Section 27: Compensation

27.1 Pay Plan Preparation and Maintenance

- A. Employees are compensated based on the City of Joshua's job classification compensation plan or pay plan. Each job is classified according to designated duties and other compensable factors, then assigned to a pay grade on the City's pay plan. Each pay grade on the pay plan has a minimum and maximum pay rate. With very

few exceptions, your pay should never fall below the minimum or exceed the maximum limits of your position's pay grade.

- B. The City's pay plan is reviewed from time to time, and revised as needed to reflect changing market conditions and compensation objectives. Your actual rate of pay may or may not be adjusted as a result of one of these reviews.
- C. The City Council establishes the Pay Plan.

27.2 Pay Period, Pay Checks, and Direct Deposit

- A. The pay period for the City of Joshua is bi-weekly.
- B. All employees are required to have their checks electronically direct-deposited to their bank or credit union account.
 - i. Employees who do not have a checking account will be required to obtain one.
 - ii. Pay stubs will be available to each employee bi-weekly.
 - iii. If at any time an employee's bank account information changes, it is essential that the employee obtain and complete an application form providing the new information.
 - a. Indicate on the form that the information is a change so the form can be processed immediately.
 - b. Application forms for changes must be done immediately after the change is made.
 - c. The Human Resources Department will need time to initiate necessary changes with the bank so that your payroll check will be deposited in the correct account.
- C. Pay checks will be direct deposited into your bank or credit union account on Wednesday following the two-week pay period ending on the previous Friday.
- D. The city will only make payroll deductions for association memberships as required by law when automatic draft is not available to the employee.

27.3 Overtime Pay

- A. Overtime is defined as those hours worked by nonexempt employees during a defined work period/cycle which exceed the number of hours specified for such a work period/cycle.
 - i. Nonexempt employees may work up to 40 hours in a seven day work period before they must be paid overtime. Non-exempt commissioned police employees may work up to 80 hours in a 14 day work period before they must be paid overtime.
 - ii. The 7-day work period for our employees begins each Saturday and ends the following Friday. The 14-day work period begins every other Saturday and ends the following Friday. Shift workers hours will be compensated on the day their shift begins until its scheduled ending time.
 - iii. Any leave taken by an employee or holidays observed during the work week are not considered "hours worked". Such hours shall be excluded from all overtime calculations.
- B. By accepting employment, each employee is deemed to have consented to working additional hours as required by supervisory personnel.
- C. Overtime is generally compensated at a rate of 1 ½ times your regular rate of pay. In accordance with the law, the City of Joshua reserves the right to compensate Nonexempt employees working overtime with compensatory time at a rate of 1 ½ hours for each hour of overtime worked.
- D. Exempt employees are not entitled to overtime pay or compensatory time.

27.4 Longevity Pay

- A. Longevity Pay is an annual payment to each regular, full time employee based on the amount of tenure the employee has with the City.
- B. All Regular, Full-time employees are eligible to receive longevity pay after one full year of service.
- C. The payment amount is calculated from your full-time hiring date to the November of the year in which the longevity payment is made at a rate that is reviewed annually and set by the City Council during preparation of the City budget.
- D. If approved by the City Council, payment for longevity will be made on the second regularly scheduled payday of November each year and will be included in the

employee's regular direct deposit. Employees who are not in the service of the City on November 1 shall not be eligible to receive longevity pay.

27.5 Final Pay Upon Separation

The final paycheck for a discharged employee, or an employee who resigns, will be issued on the next regularly scheduled payday following the employee's last day of employment.

Section 28: Travel Policy

28.1 Applicability of Travel Policy

- A. It is the policy of the City of Joshua to reimburse employees and other persons who are authorized to represent the City at various conferences, meetings, conventions, seminars, and functions as well as employees who must travel to attend required or otherwise approved training programs.
- B. The City recognizes that the public interest requires employees to travel at times to conduct City business. The City also recognizes that the public interest is served by the advancement of training and professional development of employees.
- C. Travel for City business is to be arranged utilizing the most economical means available.
- D. This policy is applicable to all City employees and elected officials, and applies to all travel on City business of 50 miles or more or requiring overnight stay and to all travel reimbursements, subject to budget limitations and authenticated expenses.

28.2 Responsibility

A. Department Head

Responsible for communicating and administering the provisions of this policy to employees and approving all travel requests within his/her department. Also should strive to be proactive in planning for the department's travel needs in the annual budgeting process. It is the responsibility of the Department Head to ensure all travel expenses are accounted for within five (5) working days from the date of return and the Travel Expense Report forwarded to the Finance Department.

B. Employee

Responsible for all pertinent information on the Travel Expense Report, indicating purpose of travel, location, type of transportation, departure date, return date, estimated expenditure and funds advanced.

C. Finance Department

Responsible for distributing travel funds in compliance with established policies and guidelines. The Finance Department should take into consideration the departmental travel budget and calculate the amount spent to date and forward the Travel Expense Report to the City Manager for approval.

D. City Manager

Responsible for either approving or denying the request. If the request is denied, the Travel Expense Report will be sent back to the Department Head. If the request is approved, the Travel Expense Report will be forwarded to the Finance Department for processing. The City Manager or his/her designee must review and approve all expenses incurred in the Travel Expense Report after travel is completed.

28.3 Authorization Required

- A. The City Manager or designee, and/or the City Council in the case of travel of the City Manager may authorize travel leave and expenses for City business outside the City.
- B. All travel requests must be approved by the City Manager or designee prior to its occurrence.
- C. Any employee traveling on official City business shall communicate with their supervisor as to where they can be reached while out of the City.
- D. All travel requests must be submitted on forms provided for that purpose.

28.4 Allowable Expenses

A. Registration

The City will cover actual expenses incurred in registering for a conference, seminar, or meeting. An original receipt must be furnished for reimbursement purposes. The City encourages advance payment of fees to take advantage of any discounts available. Recreation expenses included in the registration (i.e., golf, tennis, runs, etc.) will not be covered by the City.

- B. The Department Head will be expected to select the mode of transportation that is most economical to the City considering cost and time consumed.
 - i. Normally, when travel is required for City business a City vehicle or personal car may be used when such travel distances are within a two hundred and fifty (250) mile radius.

- ii. For travel beyond a two hundred and fifty (250) mile radius of the City, air transportation may be approved if more cost effective.
 - iii. Approved travel expenses will be reimbursed as follows:
 - a. When employees use their personal vehicles, all travel mileage will be paid at the most recent IRS rate per mile.
 - b. When City vehicles are used, all expenses incidental to the use of such vehicle (parking, gasoline, oil, repairs, etc.) shall be reimbursed. Receipts will be required.
 - c. When air travel is authorized, employees will book their flight as far in advance as possible.
 - Air travel reimbursement shall be limited to “coach” fares.
 - Airport parking for twenty-four (24) hours or less, the employee will be reimbursed at the short term parking rates. If required parking for twenty-five (25) hours or more, the reimbursement shall be at the long term parking rate. Original receipts will be required for reimbursement.
 - iv. Reimbursement will be made for the use of rental cars, taxi or bus fares, etc., provided such expenses are necessary, reasonable, and receipts are provided.
 - Approval to rent a car should be obtained prior to the trip.
 - Employees are expected to obtain the lowest possible rates for a rental car, and shall sign and accept the liability/collision insurance agreement on the contract.
 - v. Alternate routes, which are desirable because of personal affairs of the traveler, can be used, but only on the traveler’s time and with the traveler bearing the additional cost of the alternate route. Mileage and expenses incurred on alternate routes must be shown on the expense account that is turned in for reimbursement or for advance in funds request.
- C. Meals
Employees will be compensated for meals when the business trip is more than 50 miles **and** requires the employee to stay overnight. The employee will be advanced fifty (50) dollars per day. Travel days will be advanced twenty-five dollars per day for any travel that takes less than 6 hours.

Meals included in the conference costs will be deducted from the advance in the amounts of at \$10 for breakfast, \$15 for lunch and \$25 for dinner.

D. Lodging

Employees are expected to make lodging reservations well in advance whenever possible, and to take other actions to ensure lodging is secured at a moderate rate.

- i. Whenever possible, a City credit card should be used in making hotel reservations and paying hotel bills related to City travel.
- ii. Reimbursement of lodging shall be limited to single rates unless two or more employees occupy a single room, or otherwise approved by the City Manager.
- iii. It shall be the policy of the City to reimburse for only lodging that is economical and practical. Exceptions to this may be granted when least expensive hotel rooms are unavailable or where conferences are held in or nearby the hotel.
- iv. Receipts for lodging must be provided to obtain reimbursement.
- v. Reimbursement will not be made for personal telephone calls, alcoholic beverages, entertainment expenses, or other sundry items not relevant to the public purpose of the travel, except as provided in Section E below.

E. Dependent Expenses

There is no objection to a spouse/family member accompanying an employee on an out of town business trip, however, the City will not be financially responsible for the spouse/family member of the employee. Any additional expenses incurred such as travel, lodging, meals or any other miscellaneous expenses will be the sole responsibility of the employee. The City will not reimburse the additional expenses.

F. Exceptions to allowable expenses may be approved by the City Manager.

28.5 Travel Expense Report Procedures

A. Prior to trip/travel:

- i. A travel expense report form shall be filled out for all travel. Meeting information and/ or brochures shall be attached to provide an overview of the meeting/event.
- ii. The employee will fill out all information pertinent to the request, indicating purpose of travel, location, type of transportation, departure date, return

date, estimated expenditures and funds required in advance. The report shall then be forwarded to the Department Head for approval.

- iii. The Department Head will review the request and sign off if the trip is approved. The Department Head shall attach a copy of the page indicating the approved travel and training request from the budget document, and note the approved trip.
 - iv. Upon Department Head approval, the request will be forwarded to the Finance Department and budget information will be indicated.
 - v. Finance will note the department travel budget and how much has been spent to date. Finance will only forward to City Manager for approval if budgeted funds are available. If budgeted funds are available, the report will then be forwarded to the City Manager for approval.
 - vi. The City Manager will note approval or disapproval of the request. If the request is disapproved, it will be sent back to the Department Head. If the request is approved, it will be forwarded to Finance for processing of the advance or payment required. Finance will then return the approved form to the employee.
 - vii. Employee travel will be approved by the City Manager and Finance Department. Department Head travel must be approved by the City Manager.
- B. Upon completion of trip/travel:
- i. The employee will fill out all the pertinent expenditure information within five (5) days after returning from the trip. Expenditure reports shall be submitted on forms provided for that purpose.
 - ii. All meeting/event expenses will be indicated on the expense form. All applicable receipts must be included with the report, including registration and airfare.
 - iii. The employee will certify that the expenses are correct and will sign off on the report. The report will be forwarded to their Department Head for approval.
 - iv. The Department Head will review the report, sign off and forward the Travel Expense Form to the City Manager for approval.
 - v. The City Manager will review the report, sign off and forward to Finance for processing and filing.

Section 29: Leave Benefits

29.1 Holidays

- A. The following days are observed by the City of Joshua as paid holidays:
- New Year’s Day
 - Presidents’ Day
 - Good Friday
 - Memorial Day
 - Independence Day
 - Labor Day
 - Thanksgiving Day
 - Day after Thanksgiving
 - Christmas Eve
 - Christmas Day
- B. A Regular Full-time Nonexempt employee will be paid for City holidays if it falls on their regular day off.
- C. A regular full time Nonexempt employee who works on a City holiday will be paid double time at an hourly rate *for the hours they work on the actual holiday.*”
- D. If a holiday falls on a Saturday, the proceeding Friday shall be observed as the holiday. If the holiday falls on a Sunday, the following Monday shall be observed as the holiday.
- E. Effect of Other Leave:
- i. An official holiday occurring during other paid leave will be documented as a holiday on the payroll.
 - ii. An employee who uses sick leave on his or her last scheduled work day prior to a city-observed holiday, or on his or her first scheduled work day following an city-observed holiday, without a physician’s statement supporting the absence, forfeits the paid benefit for that holiday.

29.2 Vacation

- A. Regular, Full-time employees begin to accrue paid vacation benefits on the first day of employment as follows:

<u>Years of Service</u>	<u>Days of Vacation Per Years of Service</u>
6 months	5 days (40 hours)
1-5	10 days (80 hours)
6-9	15 days (120 hours)
10+	20 days (160 hours)

- B. Vacation leave does not accrue for any month in which an employee is in a leave without pay status for at least one half or more of the standard number of paid days for his/her employment.
- C. No employee shall be allowed to accumulate more vacation days than two times (2x) his/her annual rate of accrual.
- D. Paid vacation benefits may be taken upon completion of six (6) months of service and must be taken in 1/2 hour increments.
- E. Employees shall be permitted to take vacation leave at such time, in the judgment of the Department Head, supervisor, or City Manager, as will best serve the interest of the organization and the employee.
 - i. Employees eligible for vacation leave, must have advance approval from his supervisor to use vacation leave so that the work of the department does not suffer.
 - ii. Employees should consult with their supervisor regarding the procedure to be used for requesting vacation leave.
- F. A maximum of 4 weeks unused vacation time will be compensated upon separation from the City of Joshua for employees who leave in good standing including providing proper notice.
- G. Regular full time employees are eligible to sell back a maximum of 40 hours accrued vacation time once each calendar year provided the employee will maintain at least 80 hours of accrued vacation time after selling 40 hours.

29.3 Sick Leave

- A. Regular, Full-time employees accrue paid sick leave on an hourly basis at a rate of eight (8) hours per month of service up to a maximum accrual of 480 hours. No sick leave accrues for any month in which an employee is in a leave-without-pay status for at least one half or more than the standard number of paid days for his/her employment.
- B. Regular, Full-time employees are eligible for paid sick leave, which may be used for time off due to your illness, your routine health care appointments, and to care for a sick member of your immediate family.
 - i. Immediate family, for this purpose, shall be defined as: husband, wife, son, daughter, mother, father, grandparent, brother, sister, and spouse's parents

and grandparents. Immediate step relations are included for purposes of this policy.

- C. Sick leave used properly, will seldom be questioned. However, employees who are frequently absent from work or absent for more than three days, will be required to submit a physician's statement to your supervisor or Department Head to explain sick leave use.
- D. Excessive use or improper use of sick leave may be subject to disciplinary action up to and including termination. A pattern of absences on Mondays and Fridays may be interpreted as abuse of sick leave and lead to a supervisory investigation as to the reasons for the absences.
- E. Employees who are ill and unable to report to work must contact their supervisor and speak directly to them at the earliest possible opportunity, but at least two (2) hours prior to the start of the work shift. Employees who call in within 2 hours of the start of his/her work shift must submit a physician's statement for that shift or shall use accrued vacation leave. If the employee has no accrued vacation leave, the employee shall take time off without pay. Be sure to check with the supervisor to determine what the procedure is for using sick leave in your department.
- F. There will be no compensation for unused sick leave time termination, resignation or retirement.

29.4 Shared Sick and Vacation Donation Policy

The purpose of this policy is to outline provisions where employees may donate available sick and vacation hours to the benefit of another employee who has a catastrophic medical condition, resulting from a non-work-related injury or illness, or a member of the immediate family residing in the primary residence. Shared sick or vacation leave may not be used for maternity leave for a healthy baby delivery.

A. Responsibility

- i. City Manager: It is the responsibility of the City Manager to review, consider, approve or deny requests.
- ii. Human Resources Manager: It is the responsibility of the Human Resources Manager, to accept requests, interview employees regarding circumstances of need, make recommendations, and initiate the needed paperwork to assure approved requests are processed correctly and rejected requests are documented and employees are notified. The Human Resources Department may communicate with the attending physician's office as needed to determine the best medical estimate for the person's time away from work.

- iii. Department Heads: It is the responsibility of the department heads to provide input regarding the employee's medical circumstance, projected time away, recommendations, etc.

B. Donation Limits

- i. Qualifying employees (as listed under "Receiving Allocations" below) may receive no more than 480 hours (in 40 hour increments of donation at one time, from all donating employees). If a need exists beyond the 40 hour initial donation, circumstances will be reviewed and considered again for additional hours.
- ii. Giving Allocations
Employees who wish to donate hours of available sick or vacation to the benefit of another employee who is catastrophically ill or who is caring for an immediate family member in the home who is catastrophically ill, may donate if;
 - a. He/She has been employed with the City at least six months.
 - b. He/She has at least forty (40) hours of benefit remaining in the benefit from which they are donating (vacation/sick) following donation.
 - c. The employee may donate no more than 24 hours to the employee who has been approved to receive hours.

C. Receiving and Donating

- i. Receiving Allocations
Employees may be eligible to receive donations if;
 - a. A physician has documented the need for the employee to be off beyond the expiration of the employee's available vacation/sick/comp or any other benefit hours.
 - b. The need to be off qualifies under the provisions of the Family Medical Leave Act both in medical necessity, length of service provisions, and maximum allocated hours.
 - c. The employee has not already received the maximum allowable 480 hours of time.
 - d. The employee has not been given written discipline or verbal warning (as documented by the department head) about the abuse of vacation or sick leave benefits in the prior 12 months.
 - e. The maximum number of hours an employee may receive during employment with the City of Joshua is 480 hours.
- ii. Procedures to apply to receive vacation hour donations from others:

- a. Notify Human Resources for the appropriate form and provide physician documentation. Physician documentation will be required that specifies the best medical estimate of the time to be missed.
 - b. Complete and return request form to Human Resources.
 - c. Wait for notification.
- iii. Procedures to donate:
- a. Review vacation balance on most recent pay stub to establish if there are enough available hours.
 - b. Complete donation form and submit to Human Resources.
 - c. Wait for notification via email from Human Resources regarding your donation.

D. Other Provisions

- i. The value of donations will be calculated at the value of the receiving employee's rate of pay.
- ii. Employees who have a catastrophic medical condition as a result of a work related injury or illness are referred to the provisions of the Worker's Compensation regulations, and are not eligible to receive donated shared vacation or sick leave.

29.5 Bereavement Leave

- A. Bereavement leave with pay for a period not to exceed three days per occurrence will be given to any Regular, Full-time employee in case of death in the immediate family.
- i. Immediate family, for this purpose, shall be defined as: husband, wife, son, daughter, mother, father, grandparent, brother, sister, and spouse's parents and grandparents. Immediate step relations are included for purposes of this policy.
 - ii. Bereavement leave shall be limited to six (6) days per calendar year.
- B. Employees eligible for bereavement leave, should notify the supervisory as soon as possible when the need arises for its use.

29.6 Jury Duty Leave

- A. Jury duty leave with pay will be given to any Regular Full-time employee who has been called to jury duty.
- B. Part-time or Seasonal employees called to jury duty will be allowed time away from work to attend jury duty but the time away will be without pay.
- C. An employee called to jury duty, should immediately notify his supervisor and present documentation from the court.
- D. Any remuneration received by the employee from the court for jury duty service is the property of the employee.

29.7 Military Leave

An employee who is a member of the military, active service or reserve units, National Guard, or other special unit, may receive up to fifteen (15) days of paid military leave per calendar year. You will be asked to submit a copy of the order, directive, notice, or other document that requires you to report for duty when requesting leave. Leave for longer periods will be granted in accordance with state and federal law.

29.8 Injury Leave

- A. An employee injured in the course of employment may be granted occupational disability or injury leave under the terms of Worker's Compensation.
- B. All employees, Full-time, Part-time, or Seasonal are eligible for benefits from Worker's Compensation insurance; however, only Regular Full-time employees are eligible for paid Injury Leave.
- C. All Regular Full-time employees, while on occupational disability or injury leave, shall continue to earn vacation and sick leave at the regular rate, but shall be required to return to work after the approval and release of the attending physician.
- D. Employees must as soon as practical report any work related injury to their supervisor. An employee who is able, but fails to report a work related injury to his supervisor within 24 hours of the injury, however minor, may not be eligible for occupational disability or injury leave.
- E. When an employee is injured on the job, the employee's supervisor shall complete an injury report within 24 hours of being notified of the injury on forms provided and submit the report to Human Resources Department. The supervisor shall also immediately report any injury to the Department Head.

- F. The character, degree and potential duration of the occupational disability as communicated by the employee's treating physician and the corrective measures necessary are the responsibilities of the Human Resources and the employee's attending physician. Human Resources may secure information regarding the duration and corrective measures from the attending physician.
- G. In all cases where occupational disability to an employee occurs, and the employee has been reported as occupationally disabled for a period of thirty days, the Human Resources shall confer with the attending physician to review the progress of the case and to make such recommendation to the City Manager as he/she deems advisable.
- H. Fitness for Duty Exam
The Department Head may require a physical or psychological examination to determine the employee's fitness for returning to his or her regular job duties when the employee is released to full duty by the employee's treating physician.

29.9 Unpaid Leave of Absence

- A. Regular, Full-time employees may request an unpaid leave of absence by submitting a written request to their Department Head. Employees may be given an unpaid leave of absence for illness (personal or family disability [including pregnancy]) or any other legitimate purpose approved by the Department Head. Unpaid leaves of absence will be approved only after all other types of paid leave, such as vacation or sick leave, have been exhausted.
- B. An unpaid leave of absence must be approved by the City Manager and the Department Head.
- C. During an approved unpaid leave of absence, the City will continue to pay its usual contributions toward an employee's benefits for a term not to exceed twelve (12) weeks; however, the employee is responsible for paying any benefit premiums that would normally be deducted from his pay check. Arrangements should be made with Human Resources for paying these premiums prior to the employee's leave.

29.10 Term of Combined Leave Time

Any leave, whether paid, unpaid, or injury leave, shall extend for such time as the employee is unable to return to work, but in no event beyond six (6) months unless expressly authorized by the City Manager.

29.11 Family Medical Leave Act (FMLA)

Notice of the Family and Medical Leave Act is posted in employee break areas. Eligible employees are provided up to 12 weeks of leave each year for qualifying events. Leave

may be paid until such time as the employee exhausts all leave at which time it will be unpaid.

Section 30: Your Medical, Financial & Survival Benefits

30.1 Health Insurance Portability and Accountability (HIPPA)

The City of Joshua will comply with federal regulation governing the Health Insurance Portability and Accountability Act (“HIPPA”) of 1996. The Act ensures the privacy of all protected health information (“PHI”) and that such information be kept confidential and not be released to any party without the consent of the employee, or citizen if applicable, except there otherwise outlined by law.

30.2 Group Medical Plan

The City makes comprehensive group medical coverage available to every Regular Full-time employee and pays the premium toward such single coverage for as long as an employee is eligible and enrolled. Newly hired employees should enroll themselves and their eligible dependents (if desired) for medical coverage within 30 days of hire. Once enrolled, an employee and his/her dependents are covered after 60 days of employment. When you enroll for medical coverage and also elect coverage for your dependents, you will be responsible for paying the full premium for the dependent coverage. The premium for dependent coverage will be deducted from your paycheck twice each month.

Specific and complete details of the City’s medical plan are available in plan booklets supplied to you by the Human Resources Department.

30.3 Group Life Insurance

Group life insurance coverage, including accidental death and dismemberment coverage, is provided to all Regular, Full-time employees. The City pays the full premiums. For further information, refer to the Group Life Insurance Policy in the Human Resources Department.

30.4 Dental Insurance

Dental insurance is available to Regular Full-time employees and their dependents, if desired. The City pays the full premium for Regular Full-time employees. The premium for dependent coverage will be deducted from your paycheck twice each month.

Specific and complete details of the Dental Plan are available in the Human Resources Department.

30.5 Workers’ Compensation Coverage

If you are injured as a direct result of the duties performed in the course of your employment with the City, you may be eligible to receive Workers’ Compensation

benefits under the Workers' Compensation Insurance plan. Such a plan is required under state law and covers the cost of hospitalization, physician fees, drugs, treatment, and other related expenses.

30.6 Unemployment Compensation

The City of Joshua provides unemployment insurance benefits to all employees as required by law.

30.7 Texas Municipal Retirement System

The City of Joshua is a member of the Texas Municipal Retirement System (TMRS). Participation in the system is mandatory for all Regular, Full-time employees. There is no maximum age for participation in TMRS. Employees contribute 7% of their gross incomes, which is not taxable until withdrawn. The City contributes the required amount to your retirement account.

The purpose of the retirement system is to provide adequate and dependable retirement benefits for employees retiring from Texas Municipalities. Each member City chooses from various TMRS options to tailor its retirement plan to meet local needs and circumstances. Handbooks detailing this plan are available in the Human Resources Department.

30.8 Social Security

The City of Joshua does not participate in Social Security. If you retire under both Social Security and a local government retirement plan such as TMRS, with a City that does not participate in Social Security, your Social Security benefit may be lowered or offset. For more information contact your local Social Security office.

30.9 Medicare

Employees are required to make a contribution toward Medicare in compliance with federal law. The City matches the employee's contribution with an amount equal to the employee's contribution.

30.10 Continuation of Group Medical Benefits

In accordance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), you and your eligible dependents may have your group medical benefits continued beyond the date they would normally be scheduled to end. In order to have your coverage continued, you must notify the Human Resources Department no later than 60 days after the day coverage is scheduled to end. You will be charged the full premium plus administrative costs.

There are strict rules about when you can use COBRA. COBRA lets an eligible employee and dependent choose to continue their health insurance when a "qualifying event" happens. Qualifying events include the employee's resignation, termination, leave of absence, shorter work hours, divorce, legal separation, or death. Another qualifying

event is when a dependent child stops being eligible for coverage under your health insurance.

If your coverage ends because of termination (other than for gross misconduct), reduced hours of employment, retirement, or disability, you and your family can extend medical plan benefits until the earlier of:

- A. 18 months from the date your coverage is scheduled to end
- B. The last day for which you have paid the required premium
- C. The date of cancellation if the medical plan is canceled for all City employees;
- D. The date you become covered for the same medical expenses under another group policy.

An additional 11 months of coverage may be continued if you or your dependents are disabled on the date continuation coverage begins and you are determined to be eligible for Medicare.

Your spouse and dependents can also independently extend their coverage at their own expense even if you do not do so. In addition, if your spouse's and dependents' coverage ends due to your death, divorce, legal separation, or loss of dependent status, they can elect to continue coverage until the earlier of:

- A. 36 months from the date coverage is scheduled to end
- B. The last day for which the required premium was paid
- C. The date of cancellation if the medical plan is canceled for all City employees.
- D. The date one becomes covered for the same medical expenses under another group policy.

Your spouse/dependent must contact Human Resources no later than 60 days of the effective date of the divorce or loss of dependent status in order to continue health insurance coverage.

Section 31: Social Media Policy (External)

31.1 Purpose

In an effort to communicate with a larger audience, the City of Joshua, Texas maintains various types of social media applications. By accessing these applications, you are agreeing to the terms and conditions as stated below.

31.2 Facebook

You can become a Fan of the City of Joshua's Facebook pages.

The City of Joshua intends to promote effective communication and maintain a respectful dialogue. In that spirit, the rules for posting external comments on Facebook are intended to maintain a productive and open forum for community discussion. Our

moderators use these rules to ensure that posted comments are constructive and suitable for all readers, while respecting a range of opinions and points of view. Moderation will take place during the City of Joshua's normal business hours. Posted information and comments on City of Joshua Facebook pages must comply with the following regulations:

- A. Comments must be civil and may not contain slanderous, libelous, malicious, offensive, threatening, profane, or insulting language.
- B. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation are not permitted.
- C. References to the personality of individuals, personal attacks, or potentially libelous statements are not permitted.
- D. Advertising or promotional announcements are not permitted.
- E. Comments must be within the scope of the topic under discussion.
- F. Comments cannot include personally identifiable information, such as an address, phone number, social security number or other sensitive information.
- G. Comments of a sexual nature or links to sexual content are not permitted.
- H. Comments cannot represent a person other than the one posting the comment.
- I. Comments containing links to other web sites or pages must be relevant to the topic.
- J. Comments cannot serve electoral campaign purposes. Political messages will not be published except for announcements of City elections or voter encouragement campaigns.
- K. Comments encouraging illegal activity are not permitted.
- L. Solicitations of commerce are not permitted.
- M. Participants are responsible for what they post. Comments must not breach any law, confidentiality, or copyright.
- N. The administrator/moderator may remove any and all postings and comments at the administrator/moderator's sole discretion.

Comments by external parties on City of Joshua Facebook pages are not official public testimony concerning any project or program. An opinion expressed on a City of Joshua Facebook page is posted for discussion only and is not a substitute for a formal statement in a public hearing process. The City of Joshua does not necessarily agree with content posted by City of Joshua Facebook Fans. Nothing in any Facebook page constitutes a binding representation, agreement or an endorsement on the part of the City of Joshua. The City of Joshua will delete any comment that violates this agreement and users will be blocked and/or reported to Facebook. In addition to this agreement Fans who also violate Facebook Terms and Conditions will be reported to Facebook and blocked from the City of Joshua's Facebook pages. The City of Joshua's Facebook accounts are hosted by Facebook. Therefore in addition to this agreement, said accounts are also governed by a separate Privacy Policy and Statement of Rights and Responsibilities.

Section 32: Social Media Policy (Internal)

32.1 Purpose

Social media and Web 2.0 refers to Internet based technology communication tools that facilitates an environment for immediacy, interactivity, user participation and information sharing in multiple ways. Social media tools help citizens interact with their local government in the individual's preferred method and time schedule. A social networking presence has become a popular tool for vibrant and transparent communication and reaches those that do not consume traditional media as frequently as other segments of the population. Social media applications may include, but are not limited to, Facebook, Twitter, YouTube, and Flickr.

City of Joshua departments may consider utilizing social media outlets to share information about the City and its programs and services. Social media outlets can reach a broader audience and further enhance communication with citizens and stakeholder organizations in support of the City's goals and objectives.

32.2 Policy

A. All City of Joshua social media sites shall be created and approved by the City Manager to meet the following purposes:

- i. To provide Joshua residents, businesses and visitors with information about City activities, events and other important issues.
- ii. To promote the positive aspects of Joshua to those in and outside the community.

B. All social media sites will be administered by the City Manager or his/her designee.

- C. The City Manager will oversee and confirm all decisions regarding social media applications including:
 - i. Authorization of sites.
 - ii. Content of sites.
 - iii. Evaluating requests for separate sites.
 - iv. Maintaining a list of social media domains, account logins and passwords.
 - v. Changing passwords if an employee is removed as an administrator/moderator in order to maintain agency control.

- D. Under certain circumstances, a City department may wish to create and maintain a separate social media site that is department specific. Departments wishing to create separate social media sites must receive approval from the City Manager before implementing a department specific social media site. Departments must provide specific justification for maintaining separate social media sites. If approved, the City Manager will work with requesting department to create the site. The City Manager will review the site from time to time and those that do not meet the City's intended goals and objectives may be removed.

- E. Every City Department is encouraged to use social media tools to communicate with the public.

- F. All City-related communication through social media outlets should remain professional in nature and should always be conducted in accordance with the City's communications policy, practices, and expectations. Employees should be mindful that inappropriate usage of social media can be grounds for disciplinary action.

- G. Social media use is for business communication for the City of Joshua and its departments and for the purpose of fulfilling job duties, in accordance with City goals and objectives, not for personal use.

- H. Communication through social media is a public record. Both the posts by the employee administrator/moderator and any feedback by others will become a part of the permanent records of the City of Joshua. The City will backup all content posted on its social media sites to comply with record retention policies.

- I. The City's separate External Social Media Policy is to be posted, linked or referred to on all City social media outlets when possible.

32.3 Terms of Service

- A. Employees should be aware of the Terms of Service (TOS) of the particular social media outlet being used. Each social media outlet has its own unique TOS that regulate how users interact using that particular form of media.
- B. Any employee using a form of social media on behalf of the City of Joshua should consult the most current TOS in order to avoid violations.

32.4 Facebook

- A. All City of Joshua Facebook pages will be fan sites only.
- B. Information posted on City Facebook pages should provide sufficient information to describe the topic, event, or program being discussed.
- C. Any posting that generates considerable feedback from the public should be considered to be included on the City's official website in order to provide important information to Joshua residents.
- D. Photographs of activities and events should be organized into photo albums and photos should have captions describing the photograph.
- E. Tagging of photos will not be allowed.

32.5 Personal Social Media Accounts

- A. Employees with personal social networking sites must remain personal in nature and be used to share personal opinions or non-work related information. Employees may not express opinions as representatives of the city on a social media site. Employee work pictures or photographs in a city uniform attributable to the city should not be posted on personal web sites where political or religious opinions are voiced. This helps ensure a distinction between sharing personal and City of Joshua views. In addition, employees should never use their City e-mail account or password in conjunction with a personal social networking site.
- B. Personal/private employee use of social media sites is prohibited during working hours with the exception of lunch breaks and other authorized work breaks.
- C. Employees may not attribute personal statements, opinions or beliefs to the City of Joshua when engaging in private blogging or postings on social media sites.

- D. Employees are prohibited from disclosure of confidential information that could breach the security of the City's computer system or any City of Joshua project, facility or program in any way.

EMPLOYEE ACKNOWLEDGMENT FORM

The Employee Personnel Manual describes important information about the City of Joshua, and I understand that I should consult the Human Resources Department regarding any questions not answered in this guide. I have voluntarily entered into an employment relationship with the City of Joshua and acknowledge that there is no specified length of employment. Accordingly, either I and/or the City of Joshua can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to this guide may occur, except to the City’s policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

Furthermore, I acknowledge that this guide is neither a contract of employment nor a legal document. I have received the guide, and I understand that it is my responsibility to read and comply with the policies contained in this guide and any revisions made to it. I also understand that it is my responsibility to keep this guide updated with future official notices relative to revised information, and shall return this guide to the personnel department upon termination of my employment with the City of Joshua.

Employee’s Signature

Date

Employee’s Name (Typed or Printed)