

Appendix “B”

**TOWN OF BARTONVILLE
PERSONNEL POLICY**

ADOPTED DECEMBER 15, 2009

**TOWN OF BARTONVILLE
PERSONNEL POLICIES**

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TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 1. General Provisions

1.01 Authority and Responsibility

Adopted: December 15, 2009

General and final authority for personnel administration rests with the Town Administrator, with the exception of matters reserved to the Town Council by State law. The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime, record keeping, and child labor standards. The FLSA applies only to those employers with fifteen (15) or more employees. As of the adoption date of this Policy and Procedure Manual, the FLSA does not apply to the Town of Bartonville. However, these policies and procedures will follow the FLSA rules as if they do apply. Sometime in the future, the Town of Bartonville will have more than fifteen employees. The FLSA, amended in 1985, provides the option for compensatory time in lieu of overtime for non-exempt employees. Executive, administrative, and professional employees are exempt from the FLSA's overtime requirements.

- A. The Town Council may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the Town and its employees for any duration of employment. There is no specified length of employment, and either the Town or the employee can terminate the employment relationship at any time, for any reason. Continued employment with the Town following adoption of these policies constitutes conclusive acceptance of the terms of the policies.

Policy administration rests with Town management and Town management reserves sole authority to administer Town operations.

- B. Department Policy and Procedural Requirements. Individual Departments may develop policies and procedures that are consistent with Town policies and procedures. Department policies and procedures that are operational and that do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the Town Administrator. All others, however, are subject to approval by the Town Council upon recommendation by the Department Head. Department Heads are responsible for obtaining the necessary review and approval prior to issuing such policies and procedures. Department policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.
- C. Miscellaneous. Policies and procedures apply to all employees of the Town, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.
- D. Only the Mayor, with Town Council authorization, has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures,

and all such agreements, promises, and/or commitments entered into by the Mayor must be contained in an expressly written employment contract signed by both the Mayor and the affected employee.

- E. Any statement in a policy and/or procedure found to be illegal, incorrect, and/or inapplicable will not affect the validity and intent of the remaining content of such policy or procedure.
- F. With the exception of matters reserved to the Town Council, the general and final authority for personnel administration rests with the Town Administrator. Each department Head is responsible for enforcing the provisions of these personnel policies and procedures. Town employees are responsible for complying with and adhering to these personnel policies and procedures and for conforming to the directions provided by the department Head in the fulfillment of these personnel policies and procedures. Any conflicts, questions, or ambiguities in Town or departmental policies and procedures will be decided by the Town Council upon recommendation by the Town Administrator. The Town Council may delegate rights and powers granted under these policies and procedures to the Department Heads or to others as deemed appropriate.
- G. Motivation. Every employee of the Town should understand that they are working for the public. It is the goal of the Town to consistently develop more effective and efficient means to serve its citizens. Therefore, each employee should have a thorough knowledge of his/her job and should possess a respect for his work. He/She should have knowledge of the relation of his job to other employees and to the entire Town organization.
- H. Dissemination. All Town employees shall be informed of the existence and provided a copy of these personnel policies and procedures. Each department shall keep a copy available for reference for its employees. Upon initial issue, employees must verify receipt for the policies and this verification will be maintained in the employee's official personnel file.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 1. General Provisions

1.02 Amendments

Adopted: December 15, 2009

The Town Council may change or amend these rules to the extent deemed necessary to better promote the interests of the Town. Any new rules, regulations, or policies issued, in accordance with this Section, supersede these regulations and are fully binding on all employees. Any provisions, terms, or conditions described in these policies may be changed and continued employment with the Town constitutes acceptance of the policies binding on all employees. Such new policies will, upon adoption, be set forth in writing and be distributed to and/or made available to all employees. All amendments to these rules shall be adopted by the Town Council in the form of an amending ordinance.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 1. General Provisions

1.03 Application of Policies

Adopted: December 15, 2009

This Policies and Procedures Handbook shall apply consistently and uniformly to all Town employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the Town Council. These policies shall apply to all Town employees as related to their position except as may be addressed or superseded by applicable statutes, rules and regulations, or State or Federal laws. An “employee” is any person appointed hired into a position of remuneration (for pay) in Town service. A person on retainer or under contract is not considered to be a Town employee in the absence of a specific agreement to that effect.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 1. General Provisions

1.04 At-Will Statement

Adopted: December 15, 2009

Employment with the Town of Bartonville is for no fixed or definite term. All employment by the Town has been and continues to be at-will, except for those positions that may have a written contract approved by the Town Council. That means that both the employee and/or the Town have the right to terminate employment at any time, with or without notice, and with or without cause. **This Policy and Procedure Manual does not constitute a contract of employment. Nothing in this Manual is intended to alter the continuing at-will status of employment with the Town.**

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, with or without notice, and the Town retains the right to terminate any employee at any time, for any or no reason.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 1. General Provisions

1.05 Equal Employment Opportunity

Adopted: December 15, 2009

Equal employment opportunity is of utmost importance in Town service. The Town of Bartonville is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment of personnel management because of age, race, religion, sex, color, national origin, citizen, disability, veteran's status or other unlawful basis, is prohibited.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.01 Introductory Period

Adopted: December 15, 2009

- A. All new employees hired to fill regular full-time or part-time positions must satisfactorily complete a performance introductory period of six (6) months. Additionally, all current employees who are transferred, promoted, or reclassified to a supervisory position, as well as former Town employees who are rehired, must satisfactorily complete a minimum performance probationary period of three (3) months. The introductory period assists the Town in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their introductory period will be retained as employees. The introductory period may be extended when it serves the best interest of the Town and employee as decided by the Department Head.
.....
- B. Each introductory employee is responsible for knowing, understanding, and meeting the expectations and standards for his/her position. In addition, each employee is also responsible for performing his/her job in a safe, productive, and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the introductory period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, attitude, or conduct.
- C. Seasonal and temporary employees do not serve a performance introductory period and have no right of appeal when terminated at any time.
- D. Introductory employees may not request or make application for reassignment, promotion, or voluntary transfer during the introductory period without written approval from the Town Administrator, upon recommendation by their Department Head. If the reassignment, promotion, or transfer is approved, the employee will serve the greater of the remainder of their original introductory period or a three (3) month period in the new position beginning with the date of the position change.
- E. During the performance introductory period, an employee is not eligible to use vacation leave for absences. Sick leave may be used after thirty (30) days in approved instances. Compensatory time off or recognized holidays during the performance introductory period may be used as approved or per established department policy or practice. Transferred or promoted employees serving introductory periods retain their eligibility for all types of leave established by Town policy.

- F. The performance introductory period may be extended under the following circumstances:
1. At the end of the six (6) month introductory period, performance probation may be extended for up to an additional six months when an introductory employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's introductory period may not be appealed. If an extension is granted, the employee will be advised in writing and given the date on which the extended period will be completed. Such extension will be at the sole discretion of the Department Head.
 2. An introductory period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the introductory period will normally extend the 6-month introductory period by an additional day.
- G. An employee is granted "regular" status in the new position if the employee satisfactorily completes the introductory period.
- H. An employee is considered to have failed their introductory period when it is determined that the employee's fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of introduction/probation may occur at any time within the introductory period. An employee who fails will normally be terminated from the Town's employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the Town Administrator. A transferred or promoted employee who fails their introductory period may, at the sole discretion of the Town Administrator, be reinstated to his/her former position provided there is a vacancy and if approved by the affected Department Head(s). Department Heads are responsible for ensuring the thorough written documentation of all cases of failure of probation, including counseling, training, and other efforts to help employees during their introductory period. All such documentation must be reviewed by the Town Administrator before an introductory employee can be terminated.
- I. Introductory employees, like all employees, are at-will employees and may be terminated at any time with or without notice or cause. An introductory employee who is terminated has no right of appeal. Introductory employees are not entitled to progressive levels of discipline. Introductory employees are otherwise subject to all policies and procedures of the Town.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.02 Nepotism

Adopted: December 15, 2009

In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the Town that:

A. Applicants

1. An applicant related to the Town Administrator by blood or marriage within the second degree according to common law shall not be employed by the Town.
2. An applicant related by blood or marriage within the second degree according to common law to any member of the Town Council law shall not be employed by the Town.
3. Under no circumstances will an applicant be employed in a department in which he or she may directly or indirectly supervise or be supervised by a member of his or her immediate family. Immediate family includes spouse, parents, children, brother or sister.

First Degree:	Consanguinity (Blood) Mother Father Sister Brother Son Daughter	Affinity (Marriage) Spouse (or) in-law, Step
Second Degree:	Uncle Aunt Nephew Niece Grandfather Grandmother Granddaughter Grandson 1 st Cousin	(or) in-law

B. Promotion

In the event of a proposed promotion to any of the positions listed above, any employed family member of a person considered for promotion to any of the positions identified

above must agree to immediately tender his/her written, conditional resignation before the candidate will be formally considered for the proposed promotion. If the candidate is selected for and chooses to accept, the promotion, the conditional resignation becomes final. Normally, once final, any such resignation will not become effective until ninety (90) days after the promotion takes effect.

C. Reorganization

In the event of a reorganization, or any other situation (other than a promotion) giving rise to a relationship prohibited by this section of the policy, the lower ranking employee will be required to immediately resign his/her employment. If both employees are of an equal rank, one of them will be required to immediately resign his/her employment. Normally, any such resignation will not be effective until ninety (90) days after the engagement, reorganization, etc., occurs.

D. Other Restrictions

The following restrictions apply on the employment of any relative, including those defined as family members under this policy:

- 1 No employee in the relationship will supervise, review or process the work of the other;
- 2 The employees' relationship must not create a conflict between employees/ Town interests; and
- 3 There must be no interdependence or relationship between the jobs of the individuals concerned which could be potentially detrimental to the interests of the Town.

E. Marriage of Current Employees

In the event of a marriage between two Town employees, a promotion, reorganization, or any other situation giving rise to a relationship prohibited by subsection (B) of this policy, one or both of the affected employees must immediately seek a transfer to another available position within the Town for which he or she is qualified and that meets the requirements of subsection (B) of this policy. If a suitable transfer cannot be made within ninety (90) days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment.

F. Periodic Review

Periodically, the Town Administrator (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in subsection (B). If one or more of these requirements are not met, one or both of the affected employees must immediately seek a transfer to another available position within the Town for which he or she is qualified and that meets the requirements of subsection (B) of this policy. If a suitable transfer cannot be made within ninety (90) days, one or both of the affected employees will be required to resign from employment.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.03 Retirement

Adopted: December 15, 2009

The Town participates in the Texas Municipal Retirement System (TMRS), which provides retirement benefits to qualified employees. A deduction from the employee's salary is supplemented by the Town's matching funds. Participation in this retirement plan by every employee is a condition of employment.

The Town participates in the Federal Medicare program, which provides benefits upon retirement. A deduction from the employee's salary is matched by the Town for this benefit. Participation by every employee is a condition of employment.

Retiree Health Coverage. An employee who retires from Town employment and who is entitled to receive retirement benefits from TMRS, is entitled to purchase continued health benefits coverage for himself/herself and eligible dependants unless the person is eligible for group health benefits coverage through another employer. An eligible employee may have their insurance paid by the Town (See Chapter 4 Benefits, Insurance section.) To receive continued coverage under the plan, the employee must inform Town Administrators on or before the date he/she retires. If the employee elects to continue coverage for their self and/or any eligible dependants and later elects to discontinue such coverage, the retiree and/or dependent is no longer eligible for coverage. An employee can elect retiree coverage only if he/she were covered under the plan at the time of retirement. Similarly, a retiree may elect to cover only those eligible dependants who were covered under the plan at the time the employee retired. A person who was not covered under the plan at the time of the employee's retirement is not eligible for retiree coverage. The level of retiree coverage will be the same as provided to the Town's current employees, although the retiree may elect to continue coverage at a reduced level if offered by the Town. The Town will not contribute funds to a retiree's Health Savings Account. The Town may provide for a different monthly premium rate(s) for retirees who elect to continue health benefits coverage. Town may substitute Medicare supplement health benefits coverage as the coverage provided for a person who receives health benefits coverage, including an eligible dependant, after the date the person becomes eligible for federal Medicare benefits. A person who is entitled to retiree group health coverage must make payments for the coverage on the 1st day of each month by automatic bank draft.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.04 Separations

Adopted: December 15, 2009

The Town designates all employee separations as one of the following types:

- A. Resignation. An employee who intends to resign is requested to notify their Department Head in writing at least two (2) weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire or any other benefits available to employees who give proper notice. The Department Head is responsible for immediately notifying the Town Administrator. Oral Resignation: In instances where only an oral resignation is tendered, or actions by the employee that indicates their intent to resign, the Department Head shall promptly communicate the facts in writing to the Town Administrator for inclusion in the employee's personnel file. Oral resignation shall be considered as failure to provide adequate notification.

- B. Retirement. An employee who intends to retire must notify their Department Head and the Town Administrator, in writing, 30 days prior to the date of retirement. This thirty (30) -day requirement is necessary to ensure that the required paperwork is timely submitted to Texas Municipal Retirement System (TMRS).

- C. Dismissal/Termination. The Town may terminate an employee's employment in general for any reason (at-will) but typically for unsatisfactory performance or conduct and/or violation of Town policies or procedures, including a new hire who fails their introductory period. Town employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance or conduct and /or violation of Town policies or procedures, are not eligible for rehire.

Dismissal may also occur for the following:

- 1. Job Abandonment. Absence without reporting for duty or failure to remain at work as scheduled without proper notification or authorization after one day shall be considered absence without leave and is deemed a resignation. Unless the Town Administrator determines otherwise, the resignation is not in good standing and the employee is not eligible for rehire.

- 2. Long-Term Absence/Incapacity/Disability. Any employee who is absent from work for more than 960 hours for whatever reason, will be terminated, except as provided below. Brief appearances at work during

an overall absence of 960 hours will not prevent the Town from terminating an employee if it is determined to be in the Town's best interest. Likewise, any employee who reports to work (e.g., in a light duty capacity) but is unable to perform the duties of his or her actual position after a period of 960 hours will be terminated. The Town may elect to end the employee's employment before the expiration of 960 hours if it is unlikely that the employee will be able to return to full-time active duty at the end of 960 hours. An employee who has a paid leave balance remaining at the end of the 960 hours may, at the Town's option, extend their leave using any available paid leave balance, or be terminated and paid for accrued leave balances according to Town policies.

Separation for incapacity shall not be considered disciplinary action and is not intended to deny an employee the use of accrued sick leave or other benefits. Separation for incapacity is an administrative measure designed to protect the interest of the Town and the employee and to un-encumber the employee's position so that a replacement may be assigned for the maintenance of essential Town functions.

This policy will be administered consistently with the Town's obligations under the Americans with Disabilities Act.

- D. Reductions-in-Force/Reorganization. An employee may be separated from Town service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. When reduction in force is necessary, decisions on individual separations will be made after considering: 1) the relative necessity of each position to the organization; 2) the performance record of each employee; and 3) qualifications of the employee for remaining positions.
- E. Death. If a Town employee dies, his/her designated beneficiary or estate will be paid all earned pay and payable benefits.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.05 Employment Status

Adopted: December 15, 2009

The Town classifies Town employees for the purpose of employment status and benefit eligibility as follows:

- A. Performance Probationary/Introductory. A full-time or part-time employee during the performance introductory period of initial employment, promotion, or transfer. Newly hired probationary employees are not entitled to progressive levels of discipline and are not eligible to use the Town's Employee Appeals Policy.

- B. Regular full-time. An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (except for certain Police shift personnel who have different work cycles) who has successfully completed his/her initial performance introductory period. Generally, regular full-time employees are eligible for the Town's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. All employees are required to participate in the Texas Municipal Retirement System (TMRS).

- C. Regular part-time. An employee in a budgeted position with an officially scheduled work week of 20 but no more than 32 hours who has successfully completed six (6) months of active service with the Town. Regular part-time employees who regularly work more than 20 hours per week may accrue certain benefits on a pro rata basis.

- D. Temporary/Seasonal. An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by Department Head. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the Town's other employment benefits. Temporary employees who are placed with the Town but who are actually employed by a temporary staffing agency must look to the temporary staffing agency to determine what benefits they are provided. Such employees are not eligible for benefits from the Town and are not eligible for participation in TMRS.

- E. Volunteers. Volunteers are not employed by the Town in any capacity. Volunteers elect to donate their time and services as a volunteer for the Town without any expectation of compensation. Volunteers are generally not paid and are generally not entitled to any benefits.

- F. Contract Employee. An employee who has a contract with the Town to perform a specific task at a set rate of compensation. This employee usually works their own hours, utilizing their own equipment and the job is temporary and regular in nature.

In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by The Town Administrator.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.06 Recruitment and Selection

Adopted: December 15, 2009

The Town of Bartonville hires employees based solely on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, disability, or any other characteristic protected by law.

- A. Anyone seeking employment, promotion, transfer, or reemployment with the Town must complete and submit an official Town application for the position desired. Current Town employees must also complete an official application. Applications for employment will be considered by the Town Administrator. Applications for a position with the Police Department will be considered by the Chief of Police. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. However, the Town may cease accepting or processing applications at any time in accordance with administrative requirements.

- B. Hiring Process. Applicants shall be required to provide any information and complete any examinations necessary to demonstrate compliance with the prescribed standards for appointment to the positions involved. Depending on the nature of the vacancy, all applicants may be required to undergo written, oral performance, physical agility, background, medical and/or other evaluation procedures as reasonably related to the job requirements.

- C. Disqualification. Applicants will be disqualified from consideration for one or more of the following:

Failure to meet the minimum qualifications necessary for performance of the duties for the position;
 - 1. If they previously worked for the Town and were terminated, or resigned in lieu of termination, due to unsatisfactory performance or conduct and/or violation of a Town policy or procedure;
 - 2. If their employment will result in a violation of the Town's Nepotism Policy;
 - 3. Failure to meet minimum age requirement of sixteen (16) years of age;
 - 4. False statements or material omissions on the application form or during the application process;

5. Failing any of the Town's background and employment requirements.
6. The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
7. The applicant is not legally permitted to work in the United States;
8. The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation;
9. Unacceptable criminal history. Applicants convicted of or admitted to conduct which constitutes a felony (and Class A and B misdemeanors within the last two (2) years, as applicable) under State, Federal, or military law will not be considered for employment. Applicants will not be considered for employment while charges are pending for any criminal offense; or
10. Any other reason deemed to be in the best interests of the Town.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.07 Attendance and Work Hours

Adopted: December 15, 2009

- A. **Regular Work Hours.** Nonexempt employees of the Town, except for Police Department Personnel, normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks. The workweek begins at 12:00 a.m. on Sunday, and ends at 11:59 p.m. on Saturday. The hours of operation for Town Hall offices is 8:00 a.m. to 4:30 p.m., Monday through Friday. Employees may have different work hours as established and/or amended by the Department Head to ensure efficient operations within their department. For example, most nonexempt Police Department personnel work a 12-hour shift of 36 hours the first week and 44 hours the second week work cycle. In times of disaster or emergency, working hours shall be determined by the Chief or Police and/or Town Administrator.
- B. **Adjustment to Work Hours.** In order to assure the continuity of Town services, it may be necessary for Department Heads to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the Town includes the employee's acknowledgement that changing shifts or work schedules may be required, and includes that they will be available to do such work.
- C. **Meal Periods.** Full-time employees (excluding most Police Department employees) are provided an unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Head in order to minimize departmental interruption. Department Heads will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period without authorization by the Department Head.
- D. **Breaks.** Breaks are not required under the Fair Labor Standards Act (FLSA). Full-time employees may, depending on individual departmental work schedules and the discretion of their Department Head, take reasonable breaks each day but shall do so at appropriate times as to not disrupt normal department activities.
- E. **Attendance Records.** The Town of Bartonville pays employees in accordance with applicable laws and has specified procedures for the calculation of hours worked, the calculation of overtime, record keeping for payroll and related pay concerns. Employees are expected to be at their workstations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day, as

well as the time they arrived to work, the time they left for and returned from lunch, and the time(s) they left for and returned from any unpaid break during the work day.

F. Attendance and Punctuality. To maintain a safe and productive work environment, the Town expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the Town and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify their Department Head as soon as possible in advance of the anticipated tardiness or absence in accordance with Departmental procedures. The employee must disclose to his/her Department Head the reason for the absence or tardiness and the date and time of their anticipated arrival. For absences of a day or more the employee must personally notify his/her Department Head on each day of their absence unless the Department Head expressly waives this requirement.

1. In most instances, an employee who fails to properly notify his/her Department Head in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. An employee who fails to notify the Town of an absence of one day or more may be presumed to have voluntarily resigned his/her employment.

1. Employees, regardless of their exempt or non-exempt status, are subject to and must adhere to the work schedules as established by the management of their department. All employees (exempt and non-exempt) are expected to follow proper procedure to request time away from the workplace in advance. If a non-exempt employee works hours that are not scheduled or approved by their Department Head, they will not be compensated.

3. Work Away from Premises or at Home. A non-exempt employee shall not be permitted to perform work away from the assigned premises, job site or at home, unless approved in advanced by the Department Head. If approved, work performed off the premises, job site or at home by an employee must be counted as time worked. If an employee performs work away from the work site without first obtaining approval, he/she will not be compensated.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.08 Health Exam/Fitness for Duty

Adopted: December 15, 2009

The Town endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of his or her position, either with or without reasonable accommodation.

An employee who becomes aware of a medical or mental condition (including medication), which may affect their ability to perform the essential duties of the assigned position, must inform their Department Head.

When it is suspected that the health condition of an employee constitutes a hazard to persons or property, or prevents the employee from effectively performing his/her essential assigned duties, the employee may be required by his/her Department Head to submit to a health examination. The employee shall be paid for the time required for such examination. Authorization for disclosure of all reports to the Town related to the employee's ability to perform the job shall be a condition of continued employment with the Town.

- A. Serious Health Condition/Disabilities. The Town recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the Town will treat them consistently with other employees.

- B. Medical Exams for Current Employees. The Town Administrator or an employee's Department Head may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment; as may be necessary in order for the Town to provide a reasonable accommodation; following an injury or accident; and as otherwise permitted in accordance with the Americans with Disabilities Act.

- C. Time Off From Work. Time away from work under this policy will normally be coded as sick leave, Family Medical Leave Act leave, and/or other leave as circumstances warrant. If the Town is requiring the examination, it is coded as administrative leave with pay.

- D. Return to Work. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate his/her return through their Department Head and/or the Town Administrator.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.09 Administrative Leave

Adopted: December 15, 2009

The Town may grant Administrative Leave with pay to an employee, as a matter of discretion by the Town Administrator (or designee), when no other paid leave category is available or applicable and leave without pay would not be appropriate. The Town Administrator may also authorize Administrative Leave Without Pay.

Employees who need to request a leave of absence without pay, should contact their department head and/or the Town Administrator. As a general guideline, leaves without pay may be appropriate for the following reasons:

1. Military service;
2. Recovery from extended illness or temporary disability (see FMLA);
3. education purposes when successful completion will benefit the Town of Bartonville;
4. Public service assignment; or
5. Personnel exchange programs which emphasize intergovernmental relations.

The employee's past work performance and attendance records will also be considered in granting the leave.

Department Heads may grant Administrative Leave with pay only when a disciplinary decision is pending.

Administrative Leave granted to an employee will be put in writing and forwarded to the Town Administrator for proper payroll processing and placement in the employee's personnel file.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.10 Promotions

Adopted: December 15, 2009

- A Promotions are position changes to classes with higher maximum salaries. Positions to be filled shall be filled with Town employees currently on the payroll when possible. This shall not prohibit the Town Administrator or Department Head personnel from filling positions with persons not employed by the Town.
- B Promotions shall be made upon the recommendation of the Department Heads with the approval of the Town Council.
- C Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.
- D A promotion should not be deemed completed until a period of three (3) months shall have elapsed. Should a promoted employee not successfully complete the probationary period, the employee is eligible to return to the previous position held, if available. If no position is available for which the employee is qualified, the employee will be terminated.
- E. Temporary promotions may be authorized to ensure the proper performance of Town functions if a position is vacant or the regular incumbent is absent. Temporary promotions are intended to be temporary and shall not be utilized to circumvent the established selection process.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.11 Light Duty Assignments

Adopted: December 15, 2009

- A. The Town may make light duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a light duty assignment is made in the Town's sole discretion.
- B. Factors considered by the Town in making its decision include, but are not limited to:
 - 1. the nature of the employee's illness or injury;
 - 2. the medical release provided in support of light duty;
 - 3. the risk that a light duty assignment may result in aggravation of the employee's injury or illness; the type of light duty work available;
 - 4. the length of the employee's employment with the Town;
 - 5. the employee's performance and disciplinary history; and
 - 6. whether the illness or injury occurred on or off duty.

In making light duty assignments, the Town will normally give priority to employees whose injury or illness is work-related.

- C. Employees who are released for and given a light duty assignment may not perform work duties in violation of their medical release. An employee who violates the terms of his/her medical release while on a light duty assignment may lose the light duty assignment and, in addition, may be disciplined up to and including termination of employment.
- D. Light duty will not extend beyond ninety (90) calendar days from the date of injury without an evaluation by the employee's treating physician and a recommendation from the Department Head and/or Town Administrator to the Town Council. Only the Town Council may approve an extension of a light duty assignment. Employees still unable to return to regular duty within ninety (90) calendar days from the date of injury must re-qualify for limited duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, Family Medical Leave Act (FMLA) or vacation benefits, if available.
- E. An employee who is released for and offered light duty by the Town, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the Town's Sick Leave policy and salary continuation benefits under workers' compensation, but may still be entitled to unpaid leave under the Town's FMLA policy.
- F. During a light duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 12-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to

an 8-hour workday, Monday through Friday, for the duration of their light duty assignment.

- G. An employee's salary or wage during any light duty assignment shall be at the same rate as the salary received prior to the injury.

- H. All light duty requests and assignments will be reviewed by and coordinated through the Town Administrator. The Town Administrator will work with the employee's department in making its decision whether light duty work will be offered. Before returning to regular job duties following a light duty assignment, the employee must coordinate his/her return through the Head of their Department.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.12 Exit Interviews

Adopted: December 15, 2009

The Department Head of an employee who is separated should discuss with the employee the reason(s) for the separation in an exit interview whenever possible. Reason(s) for the voluntary separation are to be stated in writing, which is signed by the employee, except in unusual or emergency circumstances. The department Head is responsible for completing the required personnel actions and exit interview. A separating employee may choose to complete the exit interview form with the Town Administrator instead of their Department Head. Information discussed during the exit interview may be shared with the Town Administrator's office and acted upon as deemed appropriate by the Town. The Town Administrator's signature is required on all personnel action documents.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.13 Driver's License

Adopted: December 15, 2009

For the safety of the employees of the Town of Bartonville and the citizens of the community, driving standards are being established for all Town employees who drive for the Town. Traffic laws of the State of Texas impose requirements on the Town (as an employer) to assure that employees are properly licensed and that their driving behavior, both on and off the job, reflects obedience to the laws of the State and the Town. This driving record policy is established as a means to assure this compliance. This policy is applicable to applicants and employees alike.

- A. The Town Administrator may check the driving record of each applicant for a Town position. (The Police Department may review driving records separately in accordance with department policy.)

- B. No applicant will be hired to operate any vehicle for the Town and may be subject to immediate termination, if convicted, or placed on deferred adjudication or disposition for, including but not limited to, any of the following violations or similar violations in the immediately preceding three (3) years:
 - 1. Driving while intoxicated
 - 2. Driving under the influence of alcohol or drugs (including prescription drugs)
 - 3. Negligent homicide arising out of the use of a motor vehicle (gross negligence)
 - 4. Operating a motor vehicle while a driver's license is suspended or revoked
 - 5. Using a motor vehicle for the commission of a felony
 - 6. Aggravated assault with a motor vehicle
 - 7. Operating a motor vehicle without the owner's authority
 - 8. Reckless driving
 - 9. Leaving the scene of an accident involving bodily injury or property damage

- C. Employees must notify their Department Head of any charges filed for a chargeable offense and/or an arrest within 24 hours of the incident. No notice is necessary for routine traffic citations, e.g. speeding, stop sign.

- D. Any employee who is required to drive as an essential function of their job and who receives notice that their license to drive has been suspended or revoked, or an employee who fails to renew an expired license, must report this to his/her Department Head no later than the beginning of the first workday following receipt of the notice of suspension or revocation, or knowledge of expiration. An employee who properly reports a suspension, revoked or expired driver's license may be reassigned to a non-driving position for the period of the suspension or revocation or until the license is renewed, if such a position exists, or may be terminated at the discretion of their Department Head

and/or the Town Administrator. Reassignment will require the employee to be fully qualified for the new position and must be in the interest of the Town of Bartonville. If no such position exists, the employee will be subject to termination. An employee who fails to report a suspension or revocation, or fails to renew an expired license, which is later discovered or reported, will be subjected to disciplinary action up to and including termination. Any reassignment or disciplinary action needs to be coordinated through the Town Administrator.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 2. Employment

2.14 Confidentiality of Medical Information Adopted: December 15, 2009

Federal law requires that the Town maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the Town maintains a separate medical file for each employee. The Town Administrator maintains these confidential medical files.

Examples of information that may be provided to the Town by an employee's health care provider, and maintained in the confidential medical file, include but is not limited to:

- a note to justify an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records; and
- workers' compensation records.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to their Department Head or to the Town Administrator. When an employee provides information to their Department Head, the Department Head is expected to share the information **only on an "as needed"** basis to other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 3. Compensation

3.01 General

Adopted: December 15, 2009

The Town of Bartonville pays employees in accordance with applicable laws and has specified procedures for the calculation of hours worked, the calculation of overtime, record keeping for payroll and related pay concerns. Employees need to be aware of this policy and that the Town of Bartonville does not allow deductions that violate the FLSA. It is the employee's responsibility to review their paychecks each pay period. If an employee believes an improper deduction has been made to their salary, they should immediately report it to their Department Head.

- A. The Town of Bartonville is a direct deposit employer. All employees are paid by direct deposit of funds to their bank account. Employees who do not have a bank account will need to contact Payroll in order to develop an alternative. Employees who need to make changes to their account information are responsible for seeing the Town Administrator.
- B. The Town of Bartonville is a current pay employer. The Town does not "hold back" any funds. Payday is every other Thursday. All payroll funds are available when the banks open for business. If a banking holiday falls on the paydays, payday will be the preceding working day. The pay period for all employees is Sunday at 12:00 a.m. through Saturday at 11:59 p.m.
- C. The Bartonville Police Department follows an 80-hour, 2-week work period. Employees working in excess of 80 hours within a two week period are paid an additional ½ hourly rate for all hours worked over 80 hours.
- D. Employees are paid every other week on Thursdays. It is imperative timesheets be completed accurately and turned into Department Heads at the requisite time in order to insure timely processing. Time sheets for non-exempt employees must be approved by the Department Head and turned in to the Town Administrator no later than noon on the Tuesday before Payday. It is the employee's responsibility to notify payroll if the employee detects errors in their payroll.
- E. The following deductions are authorized for payroll deductions:
 - 1. Income withholding taxes;
 - 2. Contributions to the Texas Municipal Retirement System;
 - 3. Presently authorized medical insurance premiums;
 - 4. Presently authorized "other insurance" premiums, e.g. Aflac;
 - 5. United Way contributions;
 - 6. Deferred compensation plan;

7. Court Ordered Wage Garnishments.

No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the Town Administrator, except as otherwise provided by law.

- G. When an employee separates from the Town, they will receive their final regular paycheck on the next scheduled payday. If benefit pay is due to the employee, it will also be remitted on the scheduled payday, e.g. vacation, compensatory time, longevity.
- H. Individual Job Descriptions shall specify an entry and maximum level and salary/wage for each Department position. The Town Council as part of its annual budget process will consider the allocation of funds for pay plan adjustments and Cost of Living Allocations (COLA). The Council may also consider the allocation of funds for additional merit raises. New hire probationary employees, new-hire and disciplinary, are not eligible for merit increases.

TOWN OF BARTONVILLE

PERSONNEL POLICIES AND PROCEDURES

Chapter 3. Compensation

3.02 Overtime, Comp Time & Time Mgmt Adopted: December 15, 2009

The FLSA, amended in 1985, provides the option for compensatory time in lieu of overtime for non-exempt employees. Executive, administrative, and professional employees are exempt from the FLSA's overtime requirements. If an employee believes an improper deduction has been made to their pay, they should immediately report it to their Department Head. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed.

- A. Exempt/Non-Exempt Positions. The Town Council, with Town Administrator recommendations will determine and record the exempt/non-exempt status of each paid position at the Town of Bartonville. The pay status for exempt and non-exempt positions determines the eligibility for overtime pay or comp time.
1. Exempt positions are those positions paid at the same rate regardless of the number of hours in excess of 40 that are worked in a week (exempt from overtime). Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner. "Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Town Council. It is the policy of the Town of Bartonville not to make improper deductions from an exempt employee's pay. Any exempt employee who believes they have been or likely will be subject to an improper pay deduction, must immediately notify the Town Administrator. The Town will promptly investigate and if necessary, reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.
 2. Non-exempt positions, other than police department employees, are paid at the rate of 1½ times the hourly rate for hours worked over 40 in the pay week. The Bartonville Police Department follows an 80-hour, 2-week work period. Employees working in excess of 80 hours within a two week period are paid an additional ½ hourly rate for all hours worked over 80 hours.
- B. Overtime. When the Town's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their Department Head. When possible, advance notification of mandatory overtime assignments will be provided. Overtime is defined as those hours worked, by non-exempt employees during any FLSA-defined workweek, which normally exceed 40 hours specified for such workweek. Hours worked over eight (8) on a single day, are not considered overtime. Overtime is defined separately for shift personnel within the Police

Department) Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment.

1. All non-exempt employees must receive their Department Head's prior authorization before performing any overtime work. Employees may not work past the scheduled hours or through their lunch break without prior authorization from the appropriate Department Head. Employees may not work offsite, at home, etc. without prior authorization. On the employee's time sheet, the Department Head must also approve any overtime before the time sheet is submitted for processing and payment. It is the duty of the Department Head to see that unauthorized work time is not performed. Non-exempt employees who work overtime without receiving proper authorization will not be compensated.
 2. All paid leave is included as hours worked for purposes of determining eligibility for overtime pay. On-Call time is not considered time worked and is not compensable.
- C. Compensatory Time. Non-exempt employees of a public agency which is a State, a political subdivision of a state or an interstate governmental agency may receive, in lieu of overtime pay, compensatory time off at a rate of not less than one and one-half hours for each hour worked beyond forty (40) hours in the pay week. Police Department employees follows an eighty (80) hour, 2-week work period and may receive compensatory time off for each hour worked over 80 hours. Non-exempt employees may accrue compensatory (comp) time in lieu of being paid overtime compensation. It is the employee's responsibility to report any discrepancies with regard to their compensatory time usage and accrual.
1. All employees, including police department employees, are subject to a 240-hour cap on accrual of compensatory time. Overtime hours worked beyond the applicable cap must be paid or flexed. Compensatory time accrues at a rate of 1 ½ hours for every hour of overtime worked by non-exempt employees therefore, 240 hours of compensatory time is actually 160 hours worked. Comp time accruals are to be monitored at the department level but maintained in the payroll office and maximum hours accrued will be restricted based on the requirements of this policy. All compensatory time earned must be documented on the department's timesheet.
 2. An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department Head may elect to pay the employee in lieu of approving the requested time off. The Town Council at any time may elect to pay a non-exempt employee for any, or all, of the employee's accrued comp time. The Town Council may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time.

3. Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or comp time. Likewise, an employee who is either promoted or demoted to another non-exempt position in another division will be paid in full for any comp time accrued before the promotion or demotion becomes effective. Upon leaving employment with the **Town**, a non-exempt employee will be paid for unused comp time at the employee's current hourly rate **up to a maximum of 120 hours**.
4. When a non-exempt employee is promoted to an exempt employment status, the employee shall be compensated for any remaining accrued compensatory time up to 120 hours.

NOTE: Exempt employees are not eligible to accrue compensatory time.

5. Flex-time Work Schedule. In situations where overtime payment is not feasible due to budgetary constraints, the Department Head must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek that the overtime was worked and must be accurately reflected on the affected employee's time record.

D. Record Keeping

1. Payroll is distributed and timesheets collected in the office of the Town Administrator. Vacation, sick and compensatory time accruals are maintained in the financial records of the Town Administrator. Although Department Heads may choose to maintain records related to benefit time used/accrued in their department, the final and official record will be maintained in Town Administrator's office.
2. If possible, employees requesting time away from the workplace will do so in writing in advance of the requested leave, i.e., signed memo, email.
3. The averaging of hours over two or more workweeks is prohibited.
4. Meal or lunch periods will be established and scheduled by the department Head to meet the needs of the department involved. With the exception of Police Department personnel, Meal periods are not compensable. As a general rule, employees are freed from duties and allowed to leave their work post or the premises for lunch periods as scheduled and as circumstances allow. Should the employee choose to remain at their stations and continue their duties will not be compensated.

5. All employees must adhere to work schedules as established by their department Head.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 3. Compensation

Revised 2-16-10: Effective Date 10-1-10

3.03 Assignment/Certification Pay

Adopted: December 15, 2009

- A. Assignment Pay. In addition to base salary, individual assignment pay is available to employees who are assigned to perform a special assignment requiring additional training and education. Assignment pay is an amount payable under conditions set by the Town Administrator. Current assignment pay areas include:

Assignment Pay Area	Annual Assignment Pay
Bi-lingual	\$1,000
	TBD

- B. Certification Pay. Certification pay is paid as additional compensation for those employees who receive a certification issued by an accredited agency that directly relates to their jobs. The certification will be one that is needed in order to meet regulatory requirements within the department's operations. Department Heads will make any recommendations to add a particular certification to the list of eligible certification (see below). Certifications will not be paid until approved by the Town Council upon recommendation by the Department Head.

Employees who receive and maintain an approved certification will be eligible for the additional certification compensation.

1. Any employee in a position in which a particular certification is required for the position by federal or state law or the Town places a certification on the job description, as a condition of employment, will not be paid certification pay when it is acquired. Prior to pursuing a certification the employee will confirm that it is eligible for certification pay. The employee is responsible for getting to their Department Head the written verification of the certification. The employee is also responsible for notifying their Department Head of any change of status regarding the certification e.g. when they are no longer eligible.
2. An employee who receives an eligible certification but is NOT in a position where the certification is required or utilized, will NOT be paid for the certification. The employee will continue to NOT be paid for the certification until such time they begin working in a position where the certification is required.
3. The combination of certifications paid to employees **will not exceed \$150.00 per month**. Employees with Associates, Bachelors, Masters, or Doctorate degrees

from an accredited four-year college or university will be paid only one certification for a college degree representing the highest degree acquired. The same is true for intermediate, advanced, and master level peace officers.

4. Resignation – The Town of Bartonville provides training to assist employees with obtaining professional certifications. Employees that tenure their resignation within six months of obtaining any of the Certifications listed below will have deducted from their final paycheck any costs to the Town associated with obtaining their most recent certification.

5. The Town Administrator, Assistant Town Administrator, Department Heads and those exempt level employees who are hired with a degree as required (or preferred) in the job description are not eligible for certification pay for college degrees.

Certification Type	Monthly Certification Pay
Intermediate Peace Officer	\$ 50
Advance Peace Officer	\$100
Master Peace Officer	\$150
TRMC	\$ 50
IIMC	\$100
MMC	\$150
CPM	\$150
TCCA Level I Certification	\$ 50
TCCA Level II Certification	\$100
TCCA Level III Certification	\$150
Associates Degree	\$ 25
Bachelors Degree	\$ 50
Masters Degree	\$100
Doctorate Degree	\$150

TOWN OF BARTONVILLE

PERSONNEL POLICIES AND PROCEDURES

Chapter 3. Compensation

3.04 Classification Plan/Process

Adopted: December 15, 2009

All employees shall be included in a position classification plan. The Classification Plan is designed to provide the Town with a rationale for assigning each position to an appropriate job class through the use of compensable factors. The Classification Plan may be revised from time-to-time as changing circumstances and conditions require and upon recommendation by the Town Administrator and approval by the Town Council, as needed. Such revisions may consist of the addition, deletion, abolishment, consolidation, division, or amendment of existing positions.

- A. The classification review of a position serves three purposes. First to review positions in which job responsibilities have changed and the position may actually fit into another existing job classification, second to review positions which are believed to have **substantially** changed since the job classification of the position and requires factor rating adjustments, and third to classify new positions.
1. **No organizational changes may be made within a department without first obtaining Town Council approval.** Example – Shuffle responsibilities to create a Department Head or to create another level of supervision. **Any changes of that magnitude must be approved before they are made.** The documentation showing approval would then accompany the reclassification request.
 2. The Town Council will make the final decision on the classification upon recommendation by the Town Administrator.
- D. Requests for review will coincide with the annual budget process to ensure any changes to personnel costs can be addressed at that time. If unforeseen circumstances arise during the fiscal year, requests for review will require prior approval from the Town Council before initiating the review. An employee, Department Head, Councilmember, Mayor, or Department Head may request from the Town Administrator that a position review take place. changes requested must be applicable not only to the current employee but must serve as minimum requirements for future employees.

The request must contain a detailed explanation of the reason for the request, as well as the department and budgetary impact.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 3. Compensation

3.05 Longevity Pay

Adopted: December 15, 2009

Longevity pay is based on the number of years of **unbroken** service to the Town. The dollar amount of the longevity pay per month(s) in which it may be paid are determined by the Town Council. And is subject to budgetary constraints. All full-time regular employees who have completed a minimum of one full year of employment as of October 1 shall be eligible to receive longevity pay retroactive to the date of hire. Longevity pay shall be granted in accordance with the following procedures:

- a. Amount of longevity pay shall be based on each full month of employment, e.g. hire date is October 1, 2007; date is now October 1, 2010; months worked = 36; Multiply 36 x \$6.00 = \$576.
- b. Employees shall receive this pay in a lump-sum distribution and in conjunction with the second paycheck issued in November following the completion of one year of employment.
- c. Upon termination, an employee shall receive a share of the longevity pay based on 50% of the number of full months of service from hire date to termination date.
- d. Upon retirement, an employee shall receive the full amount they would have received on October 1 of the year of retirement.

TOWN OF BARTONVILLE

PERSONNEL POLICIES AND PROCEDURES

Chapter 3. Compensation

3.06 On-Call/Call Back

Adopted: December 15, 2009

The Town provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on-call. Employees designated to be on-call are to respond to departmental after-hour service needs as required by procedures established by their Department.

- A. On-Call time is the time after regularly scheduled working hours when an employee is designated to be available for callback. The employee is free to pursue personal activities but must respond to summons (paging, telephone or radio) within designated guidelines determined by the Department Head. Employees designated as on-call must be fit, both mentally and physically, to accomplish services needed within the time frame required. On-call time is not considered time worked and is not compensable. However, when called to work, compensation will be given.

- B. Callback time is defined, as the time the Town requires an employee to return to work on an **unscheduled** or **emergency** basis to work outside of the employee's regularly scheduled work hours. Non-exempt employees called back to work on this basis will be paid a minimum of **two (2)** hours callback time (this does not include meetings or other planned events). Exempt employees are not eligible for callback compensation. Time worked immediately after regularly scheduled working hours at the request or approval of the Department Head will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Overtime rates apply if hours worked during the workweek **and** callback hours exceed 40 hours (this amount of time may be different for police shift personnel). Employees called back who are on a scheduled vacation, holiday, etc. may **at their option**, reduce the actual hours of vacation, holiday, etc., used by the number of hours worked and be paid at the regular rate for remaining hours. Or the employee may be paid at an overtime rate and use the vacation, holiday, etc. time as hours worked.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 4. Benefits

4.01 Americans with Disabilities Act

Adopted: December 15, 2009

To ensure compliance with the Americans with Disabilities Act, the Town offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability.

ADA Requirements

The **Town** will employ and will not discriminate in the terms and conditions of employment against persons with a disability or regarded as having such impairment as defined by the Americans with Disabilities Act of 1990, as amended. The following definitions shall be applicable to this policy:

- A. Disability shall mean with respect to an individual:
 - (1) with a physical or mental impairment that substantially limits one or more major life activities of such individual;
 - (2) with a record of such an impairment; or
 - (3) being regarded as having such an impairment.

- B. The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures such as:
 - (1) medication, medical supplies, equipment;
 - (2) use of assistive technology;
 - (3) reasonable accommodations or auxiliary aides or services; or
 - (4) learned behavioral or adaptive neurological modifications.

The **Town** will not discriminate against a qualified individual on the basis of disability. The **Town** will not deny employment opportunities on the basis of the need to provide reasonable accommodation to the individual's physical or mental impairments, unless it would cause an undue hardship to the **Town**, or constitute a threat to the safety of the disabled person or other persons.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately report such complaint to the **Town Administrator**.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 4. Benefits

4.02 Family & Medical Leave Act

Adopted: December 15, 2009

This policy establishes the provision of unpaid time away from work for medical and family reasons in accordance with the guidelines set forth in the Family and Medical Leave Act of 1993 (FMLA).

- A. Employee Eligibility. To be eligible for FMLA leave, an employee must have worked for the Town:
 - 1. For at least 12 months (the 12-month period may include time previously worked for the Town of Bartonville so long as the time worked was no more than seven (7) years ago), and
 - 2. For at least 1,250 hours during the 12 months preceding the start of the leave.

- B. Leave Entitlement. Eligible employees may take FMLA leave for one or more of the following reasons:
 - 1. for the birth or placement of a child for adoption or foster care;
 - 2. to care for a spouse, child, or parent with a serious health condition;
 - 3. when the employee is unable to perform the functions of his/her position because of his/her own serious health condition;
 - 4. because of a “qualifying exigency” due to a family member leaving for military service; or
 - 5. to care for covered military personnel injured in the line of duty and requiring care from designated next of kin.

C. Definitions

Child. A biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis (in place of a parent). The child must be under 18 years old, or 18 or older and incapable of self-care because of mental or physical disability

Parent. The biological parent of an employee or an individual who stood in loco parentis to any employee when the employee was a son or daughter, but not a parent-in-law.”

Serious Health Condition. An illness, injury, impairment or physical or mental condition that involves:

1. any period of incapacity or treatment in connection with or consequent to inpatient care in a hospital, hospice, or a residential medical care facility; or
2. any period of incapacity requiring absence from work, school, or other daily activities, of more than three calendar days, that also involves continuing treatment by a health care provider; or
3. continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or
4. prenatal care.

Next of Kin means the nearest blood relative designated as such by covered service member.

- D. Employee's Notice Requirements. In order for the Town to accommodate an employee's workload during his/her absence, an employee seeking to take FMLA leave must provide both their Department Head and The Town Administrator with at least 30 days' advance notice when the leave is foreseeable. If the leave is not foreseeable, an employee is expected to provide both their Department Head and The Town Administrator with as much advance notice as possible, following the Town's and their department's usual and customary call-in procedures for reporting unscheduled absences. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to disrupt unduly the Town's operations.

Department Heads must notify the Town Administrator if they have reason to believe an employee's absence is due to an FMLA-covered reason. (**Note:** Under the FMLA, an employee requesting paid or unpaid leave for an absence covered by the FMLA is not required to expressly mention FMLA. If the employee states a reason that qualifies for FMLA leave, the employee will likely have met the FMLA's notice requirements.)

E. Medical Certification and Other Required Documentation.

1. The Town of Bartonville has up to five (5) days to request a certification. An employee **must** provide the Town Administrator with a medical certification from their health care provider supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, child or parent. The certification must set forth the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave.
2. An employee must also provide periodic reports during FMLA leave as to his/her status and intent to return to work, and may be required to submit a "fitness-for-duty" certification before the employee can return to work. In some cases the

Town may require a second or third medical opinion (at the Town's expense) and periodic recertification of the serious health condition, and when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. If an employee fails to provide any required certification within 15 days, the Town may deny leave until the certification is provided. If an employee elects to take FML in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship and their medical needs.

F. Leave Time

Employees are eligible for Family and Medical Leave for an aggregate total of up to twelve (12) workweeks in a 12-month period. To determine eligibility for leave, the Town uses a rolling 12-month period measured backward from the date of any FML.

Military Caregiver Leave – Under the National Defense Authorization Act (NDAA), an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty is entitled to up to 26 workweeks of leave in a single twelve month period to care for the service member.

Under the NDAA, eligible employees are entitled to up to 12 workweeks of leave because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.

1. **Intermittent Leave.** An eligible employee may take FML on an intermittent or reduced schedule basis only if “medically necessary,” or otherwise approved by their Department Head. When intermittent leave is needed, the employee must try to schedule the leave so as not to unduly disrupt the Department's operations. The Town may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) in order to better accommodate an employee's intermittent or reduced leave schedule.
2. All allowable paid leave must be depleted before using unpaid family and medical leave for any of the aforementioned circumstances. FML time runs concurrently with paid leave and with Worker's Compensation. The birth of a healthy child where the mother is also healthy allows the employee father or employee adoptive parent to use up to ten (10) days of sick leave. The rest of the time used by the employee father or employee adoptive parent must be accrued vacation, comp, or holiday pay. If a serious health condition of the mother or the baby is involved, accrued sick leave may be used by the employee father with proper documentation.

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4.03 Continuation of Group Health Coverage Adopted: December 15, 2009

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage, plus a small administration fee.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the Town within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the Town's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan in the office of the Town Administrator.

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4.04 Holidays

Adopted: December 15, 2009

The Town provides paid holidays to probationary, regular full-time, and part-time employees. The following official holidays will be observed:

New Years Day	January 1
Martin Luther King, Jr. Holiday	Third Monday of January
Presidents Day	Third Monday of February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans Day	November 11 th
Thanksgiving Day	Fourth Thursday in November
Thanksgiving Friday	Friday after Thanksgiving
Christmas Eve	December 24 th
Christmas Day	December 25 th

1. The following provisions shall apply to holiday use:
 - a. When a holiday falls on a Saturday, Town offices are closed the preceding Friday. When a holiday falls on a Sunday, Town offices are closed on the following Monday.
 - b. To maintain continuous service to the citizens of Bartonville, employees may be scheduled to work on a holiday. In these cases holidays as follows:

Condition	How It Is Paid
Employee is off for the holiday on a regularly scheduled workday.	Employee paid for hours scheduled (i.e., 4, 8, 12, etc.)
Employee works the holiday, and it is one of their regular workdays.	Paid for hours scheduled for the holiday plus straight pay for the actual hours worked.
Employee is off on a holiday and it is their regularly scheduled day off.	Employee is given another work day off within 30 days, or they get the number of hours scheduled for the holiday added to their vacation balance up to fifteen (15) days.

This policy will not contradict any other policy regarding overtime or hours worked. If questions exist, contact the Department Head or the Town Administrator.

2. If an official holiday falls within a regular employee's scheduled vacation, the employee will be granted the holiday and not charged for a day of vacation.
3. The Town Council may choose to designate other/additional holidays.
- 4.
5. Employees on unpaid leave are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday, will not be paid for the holiday.
6. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be authorized in advance by the Department Head.
7. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled Town holiday. If approved by the Department Head, the employee must charge the time to vacation, compensatory time, or an excused absence without pay.
8. An employee on worker's compensation leave will not receive holiday pay.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

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4.05 Insurance

Adopted: December 15, 2009

A. Group Health Plan

1. The Town provides all full-time employees with coverage in a group health (including dental & vision) plan. This provision does not apply if an employee is in an “unpaid” status, having exhausted all available leave, and is not on Family Medical Leave.
2. Health insurance is provided for all retirees. Retirees are responsible for the payment of all Health insurance premiums. The Town Council may elect to pay a portion of the premiums for a period of time. This decision is dependent upon the financial impact on Town operations, the budgeted funds available, and other Council considerations. Retirees should plan personal finances with the assumption that this expense will fall to them.
3. For employees qualifying for disability retirement (TMRS), but not eligible to retire from the Town of Bartonville, the Town provides standard coverage in the group health plan, including dental, and AD&D, for up to six (6) months, if disabled. Dependent coverage is not available unless paid by the disabled retiree through COBRA.
4. For employees qualifying for retirement from TMRS, but not from the Town of Bartonville, should contact The Town Administrator to discuss their insurance options through COBRA or Chapter 172.
5. The actual terms of coverage are as described in the master plan document, and the summary is provided only to inform employees of the general benefits and procedures in a more concise manner. The terms of coverage are subject to periodic revision.
6. Employees may enroll their qualified dependents in the health plan. The cost of coverage for dependents is deducted from an employee paycheck. The amount established to pay for dependent coverage is subject to change from time to time as determined to be necessary to pay for program expenses.

B. Other Group Insurance Plans

The Town permits employees who wish to do so to participate in certain other insurance programs that are not sponsored or paid by the Town. These may include such things as

additional “life” insurance or health coverage. The Town’s sole involvement in these plans is to allow employees to pay monthly premiums by payroll deduction.

The Town assumes no responsibility for the insurance or premium payments involved in these non-sponsored programs.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 4. Benefits

4.06 Military Leave

Adopted: December 15, 2009

The Town complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the Town and who have no reasonable expectation that their employment with the Town will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days (calculated as 15 eight-hour days or a total of 120 hours), reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

- A. Notice to Town of Need for Leave. Employees must provide as much advance written or verbal notice to the Town as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the Town no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must submit a request for leave along with the official documents setting forth the purpose of the leave and, if known, its duration. These forms must be turned into the Department Head as far in advance of the leave as possible.

- B. Paid Leave for Training and Duty.
 - 1. Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. This is calculated as 15 eight-hour days or a total of 120 hours. Shift employees will be transitioned to a 40 hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

 - 2. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.

 - 3. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

C. Benefits The Town will continue to provide employees on paid military leave with most Town benefits.

1. Medical and Dental. While an employee is on paid military leave (or any military leave of less than 31 days), the Town will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for him/herself and eligible dependants. Employees must pay 100% of the applicable premium to cover the cost of elective continuation coverage under the Town's group health plan.
2. Upon an employee's return to employment following military service, the Town will provide health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.
3. Other Benefits. While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The Town will also continue to pay the premium for any Town-provided life insurance while the employee is on paid military leave. While on unpaid military leave, employees are generally ineligible for most Town-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.
4. TMRS Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must return to work for the Town within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

D. Returning from Leave

1. Reemployment Rights. Employees who complete their military service will be reemployed in accordance with federal law.
2. Deadline to Notify Town of Intent to Return to Work. The deadline for an employee to return to work and/or notify the Town that they intend to return to work following military leave depends upon how long the employee's military service lasted:
 - a. For service of less than 31 days, employees have 8 hours following their return home from service to report for their next scheduled work period.
 - b. For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
 - c. For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for two (2) years or more when an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable condition must be submitted to the Town if the military leave lasted more than 31 calendar days.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 4. Benefits

4.07 Sick Leave

Adopted: December 15, 2009

Sick leave is paid time away from work due to an employee's bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must personally immediately notify their Department head in accordance with the procedures adopted by the department.

A. Eligibility/Accrual Rate

1. Employees in regular full-time positions will be eligible for sick leave with full pay, on an eight (8) hour working day basis, accumulating 3.08 hours per pay period. Sick leave shall not be extended to temporary employees appointed to positions of limited duration or temporary employees appointed to positions required by seasonal activities.
2. Sick leave shall be credited at the end of each pay period.

B. Authorized Use of Sick Leave

1. Sick leave may be taken after the employee has successfully completed their probationary period for employee illness, immediate family illness, injury, or routine medical and dental appointments which cannot be reasonably scheduled outside of normal working hours. During an employee's probationary period, sick leave may be taken after thirty (30) days in approved instances. For this purpose immediate family is defined as the employee's spouse, child(ren), parent, or any other relative of the employee who resides in the home; however, the expectation in using sick time is that the employee is needed for the basic care of the parent, transportation to/from doctors, surgical procedures, hospitalizations, etc. Sick leave may be used after thirty (30) days in approved instances.
2. Employee use of sick time must be approved by their Department Head. Employees are expected to use discretion in the utilization of this benefit, and Department Heads may require more information be provided by the patient's physician if the time off request is of question.
3. Employees will follow protocols established by the department heads regarding the notification of illness and the request to use sick benefit time. It is required that employees receive approval for time away from work for sick leave. A department head may approve no more than eighty (80) hours of sick leave for an

employee to be used at one time or consecutively. Upon recommendation from the Department Head, An employee requesting to use eighty-one (81) hours or more, must receive approval of the Town Council with recommendation from the Town Administrator.

4. Employees may be required to submit a physician's statement for any claimed illness or injury causing an absence from work for three (3) days or more. Department Heads are authorized to make any investigations of benefits claimed under this rule, which they may deem necessary and to disapprove any claims not properly substantiated.
5. When an employee's accumulated sick leave has been exhausted, the unused vacation leave of the employee will be used as sick leave. When absence due to illness exceeds the total amount of paid leave earned and authorized, the pay of an employee shall be discontinued. Earned accruals must be exhausted before the employee may go into an unpaid status.
6. Employees may be required to periodically check in with their department while out on sick leave.
7. Frequent claiming of the benefits under this section may indicate an inability to successfully perform the position's essential job functions. Abuse/overuse of sick leave may constitute grounds for termination from employment or disciplinary action by the Department Head.

C. **Accumulated sick leave upon resignation or termination will not be paid.**

D. Sick Leave Upon Town Retirement. Employees with 20 years of service with the Town of Bartonville may be paid for earned accrued unused sick leave up to a maximum of 120 earned sick leave. Separation of employment permanently cancels all remaining sick leave accrued to an employee's record. The decision to pay for accrued sick pay is determined by the Town Council and is subject to budgetary constraints. Employees considering retirement must consult the policies and the Town Administrator to determine what policy is in effect and what they may be eligible to receive.

E. Separation - A regular employee may be terminated, after six (6) months of being unable to perform the essential functions of the job for which they were hired after all Family and Medical Leave is used, if it is shown that:

1. The employee is unable to return to their position and perform the essential functions of the job, with or without reasonable accommodation.
2. The employee is unable to transfer to another position within the Town and perform the essential functions of the job with or without reasonable accommodation.

The six (6) month period shall be measured cumulatively during a 12-month period, measured by the rolling-backward method.

- F. Shared Sick Leave - Employees who have a catastrophic illness and will/have exhausted all sick and vacation available to them, may be eligible to request and receive donations from co-workers for additional sick hours. This allows employees to voluntarily donate accrued sick and vacation leave to another employee to help alleviate the financial hardship caused to an employee due to catastrophic illness or injury. This policy does not supersede or replace other disability or retirement programs or policies and must be approved by the Department Head and Town Administrator. Disruption of the workplace will be considered before approval of any shared sick-time is granted. Shared Sick Leave does not affect the employee's status under Federal law and is not to be considered a contract of employment.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 4. Benefits

4.08 Vacation Leave

Adopted: December 15, 2009

The Town of Bartonville includes in its benefits package a vacation plan for all full time employees. The Town encourages the employees to utilize this benefit.

- A. Regular full-time employees are eligible to take vacation upon the successful completion of the probationary period. Vacation time accrues according to the following schedule and will be calculated based on the employee's hire date:

1st Year of Employment — 1.54 hours (1 hour, 32 minutes) per pay period
(40 hours annually)

2-5 years of Employment — 3.08 hours (3 hours, 5 minutes) per pay period
(80 hours annually)

5+ years of Employment — 4.62 hours (4 hours, 37 minutes) per work pay period
(120 hours annually)

1. Temporary, seasonal, or part time employees do not earn vacation leave.
2. Employees on unpaid leave for 50% or more days of the month will not accrue the benefit for the month.

- B. Use and Scheduling of Vacation

1. The Town of Bartonville provides for the accumulation of unused vacation up to 120 hours. In an effort to encourage employees to take earned vacation time, each year on December 31st any unused vacation time accumulated in excess of a maximum of one hundred and twenty (120) hours will be lost in accordance with this policy and procedures manual. The employee will be paid for accumulated vacation at the time of separation up to a maximum of 120 hours, provided all other requirements are met.
2. Employees are required to successfully complete their introductory probationary period (6 months) before they may use the vacation benefit. Advance approval by the department Head for the use of vacation time is required according to Department protocols on requesting vacation time. The Department Head may approve no more than 120 hours of vacation leave for an employee to be used at one time or consecutively. An employee requesting to take 121 or more hours of

vacation leave must receive Town Council approval. No vacation time may be taken in advance of the earned accrual.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 4. Benefits

4.09 Jury Duty

Adopted: December 15, 2009

The Town provides paid leave to regular full-time employees required to serve on jury duty or requested to testify as a witness by the Town in a Town-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a Town employee are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued vacation, holiday, or compensatory leave; otherwise a nonexempt employee's time off will be considered a leave without pay.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with his/her leave request. Employees must submit the summons, along with any supporting documentation to their Department Head as soon as possible so that arrangements can be made to accommodate the absence.

Employees on jury duty leave should keep up with their job responsibilities if possible. An employee who is on jury duty typically must report for Town duty for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

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4.10 Intentionally Left Blank for Future Use

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

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4.11 Bereavement Leave

Adopted: December 15, 2009

Emergency leave with pay may be granted by the Town Administrator in the event of a death in an employee's family. For purposes of emergency leave, family includes spouse, child, parent, brother, sister, uncle, aunt, grandparent of an employee or employee's spouse, or any other relative living in the employee's household. Emergency leave is limited to no more than three days annually. Should an employee have more than one death in the family as listed above in a calendar year, they may request additional bereavement leave. Approval decisions will be made based on individual need and circumstances by the Town Administrator upon recommendation by the Department Head.

The length of time granted for emergency leave must be approved by the appropriate Department Head. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime. Emergency leave is non-cumulative and non-compensable if not used.

TOWNTOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 5. Conduct

5.01 Cell Phone Use in Workplace

Adopted: December 15, 2009

The Town recognizes that many employees have cell phones that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the Town. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Departments may have additional guidelines regarding cell-phone use and their individual operations. Employees, who use cell phones to violate Town policy, including the Town's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action, up to and including discharge.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 5. Conduct

5.02 Town Property/Town Equipment **Adopted: December 15, 2009**

The Town may issue various types of equipment and other property to employees, e.g. credit cards, keys, tools, computers, etc. This equipment and property are for use on Town business only, unless otherwise approved by Town Council or the Town Administrator. Employees are responsible for items issued to them by the Town, as well as for item otherwise in their possession or control or used by them in the performance of their duties. It is expected that employees will follow the policies set relating to the use of Town property and information technology at all times.

A. Maintenance and Loss Prevention

1. It is the responsibility of the employee to ensure any vehicle or equipment issued to them is properly maintained. If a repair is warranted the employee is to contact their Department Head and take the necessary steps to have the property repaired.
2. Missing equipment will be reported to Bartonville Police Department and a police report filed, with a phone call to and subsequent copy of the police report forwarded to the Town Administrator or Mayor. **Note: The Bartonville Police Department will conduct an independent inquiry into the matter. At no time shall a Department Head or any member of the Town Council, including the Mayor, take any action in the matter without advice and approval of the Police Chief and/or the Town Attorney.**

B. General

1. It is required that employees operating Town vehicles, or using their personal vehicle for Town business, or using Town equipment have a valid State of Texas driver license necessary for that vehicle or equipment and to keep Department Heads informed of any change of status in their license.
2. All drivers of vehicles owned or used by the Town of Bartonville shall be properly licensed operators, responsible to maintain the standards of physical fitness required in the operation of such motor vehicle and shall be required to obey all traffic rules and regulations prescribed by law and to use every reasonable safety measure to prevent accidents. The proper use of seat belts, as required by law, is included in the requirement. Employees are expected to inform their Department Heads when they have been involved in an at-fault vehicular accident, arrested for, having a judgment pending or being convicted of a DWI/DUI or any other moving violation. In addition, employees are required to

keep Administrators informed of any change in their driving history (on/off the job).

3. The use of all tobacco products (including smokeless) is prohibited while operating and/or being a passenger in Town owned vehicles and /or equipment. No passengers other than Town employees or others on Town business may ride in a Town vehicle unless otherwise approved in advance by the Department Head. At no time may an employee under the influence of alcohol or illegal drugs drive a Town vehicle or a personal vehicle while conducting Town business.
4. Operators of all motorized equipment used in the service of the Town who become involved in any accident may be subject to disciplinary action if, upon investigation, it is determined that the employee is responsible for such action or through carelessness or recklessness contributed to the cause of such accident. Disciplinary action up to and including termination may be taken by the department Head with review by the Town Administrator and the Town Attorney.
5. No employee shall be permitted to operate a vehicle, road equipment, radio or any other equipment unless directed so by the Department Head. An employee who misuses or abuses any equipment, is subject to disciplinary action or dismissal. The use of Town equipment for personal benefit is contrary to Town policy and will subject the employee found guilty of such infraction to disciplinary action up to and including termination.
6. The Town may, at any time, check the driving record of a Town employee to determine that they maintain the necessary qualifications as a Town driver. Employees agree that they will cooperate in giving the Town whatever authorization is required for this purpose.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 5. Conduct

5.03 Drug and Alcohol Policy

Adopted: December 15, 2009

The Town of Bartonville recognizes that alcohol and drug abuse increases risk of accidents, decreased productivity, and medical expenditures. Therefore, we have a vital interest in maintaining a safe and efficient working environment. In order to achieve this environment, Town employees are prohibited from reporting to work or work-related activities under the influence of drugs and/or alcohol. Participation in the Drug & Alcohol program is a requirement of each employee and is a condition of employment.

The Town of Bartonville maintains a zero tolerance policy. Town employees may be subject to random testing and submission to and passing tests are a condition of employment.

This policy applies to all employees and job applicants unless they are employed in a DOT regulated or applying for a DOT regulated position. (For the purpose of this policy, the term employee includes contracted employees.) No part of this policy is intended to conflict in any way with the regulations set forth by the DOT. For further information on DOT regulated employees, please refer to the Town of Bartonville's DOT Drug & Alcohol Testing Policy.

- A. Prohibited Activities – The following acts are prohibited and employees who commit these acts shall be subject to immediate separation from Town employment.
1. Consumption of illegal drugs at any time. Employees may be tested anytime they are on-duty; off-duty use may result in on-duty positive.
 2. Consumption of alcohol:
 - a. While on duty (includes hours worked and breaks)
 - b. Four hours prior to reporting to work.
 - c. Eight hours following an accident (or until tested).
 - d. During on-call status.
 3. Employees shall not be impaired or under the influence of alcohol or illegal drugs while representing the Town in any capacity, or while operating a Town vehicle, equipment, or while operating a personal vehicle and conducting Town business.
 4. The use or possession of alcohol or illegal drugs in a Town vehicle (whether on or off duty) is prohibited.
 5. Consumption of alcohol while off duty and wearing Town of Bartonville apparel/uniforms.
 6. Unlawful manufacturing, distribution, dispensing, possessing or using controlled substances in the workplace.
 7. Employees attending social functions in conjunction with a training and/or conference may consume a moderate amount of alcoholic beverages if the function does not involve the use of a Town vehicle and the employee's conduct does not reflect poorly upon the Town.

- B. Testing to be performed – Drug testing is conducted by analyzing an employee’s urine specimen at a certified lab. The Town may utilize other or additional testing methods if, in the Town Council opinion, other methods may yield accurate results. The employee will provide a specimen in a location that affords privacy. Alcohol testing is conducted by breath analysis.

Testing may be conducted for prohibited drugs and drug metabolites in the following circumstances:

- Pre-Employment
- Random
- Post Accident
- Reasonable Suspicion

The following prohibited drugs will be tested for:

- Marijuana (THC)
- Opiates
- Phencyclidine (PCP)
- Cocaine
- Amphetamines
- Other Controlled Substances

Testing for alcohol will be conducted in the following circumstances:

- Post Accident
- Reasonable Suspicion

1. Pre-Employment Testing – All applicants (including part-time and seasonal) may be subject to pre-employment testing. Any applicant who refuses the pre-employment test or yields a “positive” result will not be considered for employment. If a pre-employment test is cancelled for any reason, the applicant will be required to take another one with a verified negative result. employment offers are contingent upon passing a drug screen (i.e., verified negative result).

If tested, A verified negative result must be obtained before an employee begins employment. Applicants, who were tested more than 90 days prior to beginning employment must have a new pre-employment test performed with a verified negative result.

2. Random – Random testing selections are made using a scientifically valid method (computer based random number generator) and are spread reasonably throughout all periods of the calendar year (all days and hours of operation). Each employee subject to this policy will have an equal chance of being tested each time random selections are made. The random pool will include all employees except those covered under the DOT Drug & Alcohol Policy. The Town may randomly test 10% of the workforce annually. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. The Town Administrator be the Designated Employer Representative (DER) for the Town and will ensure all testing is conducted as required. Department Heads will

notify the Town Administrator when an employee has been randomly selected. Upon notification, the Department Head will ensure the employee proceeds to the testing site as soon as possible.

An employee's refusal to submit to the random test when notified, or failure to report to the lab within thirty (30) minutes, will be considered a test refusal.

3. Reasonable Suspicion – A reasonable suspicion drug or alcohol test will be conducted when a Department Head or Town official has reason to believe that an employee is under the influence of alcohol or drugs. Department Heads who observe the employee must document all observations, conversations, etc. related to the incident. Reasonable suspicion must be based on specific, contemporaneous, and particular observations concerning the appearance, behavior, speech, and/or body odors of the employee. Unless the Department Head directly observes the possession, consumption or inhalation of alcohol or drugs, a second Town employee or Town Official must also be notified and concur in the employee's Department Head's reasonable suspicion before testing can be compelled. Characteristics indicating reasonable suspicion may include, but are not limited to:
 - Abnormal or erratic behavior;
 - Inconsistent work quality and lowered productivity;
 - Physical symptoms such as glassy or bloodshot eyes, slurred speech, unsteady gait, poor coordination or reflexes;
 - Deteriorating personal appearance, hygiene, and ability to get along with co-workers;
 - Odor of alcohol, marijuana, or other illegal substances;
 - On-the-job injury or accident (see post accident portion of this policy);
 - Direct observation of alcohol/drug use or possession;
 - A motor vehicle accident

Reasonable suspicion testing for alcohol must be administered within eight (8) hours after observation; otherwise attempts to administer the test will cease and documented why the test was not administered.

Reasonable suspicion testing for drugs should be conducted as soon as practicable but no later than thirty-two (32) hours after observation; otherwise attempts to administer the test will cease and documented why the test was not administered.

Employees being ordered for reasonable suspicion testing will be transported to the testing facility by either the Chief of Police or their Department Head. The employee will not be allowed to drive themselves. If an event, giving rise to reasonable suspicion occurs after normal business hours, the Department Head will transport the employee directly to the closest Hospital Emergency Room for testing. The Town will make arrangements to have the employee transported home after the testing is complete.

While waiting for the results of a reasonable suspicion test, an employee will not be allowed to return to work or take work home. The employee will not return to

the workplace until they have been contacted by the Town Administrator or their Department Head. An employee may use benefit time (vacation or compensatory) pending the outcome of the test. Employees who do not have benefit time available will be off without pay.

An employee's refusal to submit to a reasonable suspicion test will be considered insubordinate (please refer to the Test Results section for more information). If this situation arises, the employee will be verbally advised that successful drug/alcohol screens are a condition of employment. If an employee requests the option to resign prior to taking a reasonable suspicion alcohol/drug test, they may be allowed to do so. However, they will not be eligible for benefits and will not be considered for re-employment.

4. Post Accident Testing – All Town employees who are involved in motor vehicular or equipment accidents may be subject to post accident drug/alcohol testing. All employees must remain readily available for testing after an accident. An employee refusing to a post accident alcohol/drug test will be considered a test refusal (please refer to the Test Results section for more information). Employees whose performance could have contributed to the accident will also be tested.

Post accident testing will be conducted under Town Policy guidelines if:

- Reasonable suspicion exists that the on-the-job injury or accident was due to the influence of alcohol and/or drugs.
- A citation for a traffic violation was issued to the Town employee.
- Any accident/incident where testing is in the employee and/or Town's best interest.
- There is a fatality
- If one or more of the vehicles suffer disability damage that requires a tow.
- An individual requires immediate medical treatment away from the scene.

Post Accident Alcohol Testing Time Limits – Post Accident testing for alcohol must be administered as soon as practicable but not later than eight (8) hours after the accident; otherwise attempts to administer the test will cease and documented why the test was not administered. An employee will not return to duty or perform job functions until a verified negative alcohol result is received.

Post Accident Drug Testing Time Limits – Post Accident testing for drugs must be conducted as soon as practicable but no later than thirty-two (32) hours after the incident; otherwise attempts to administer the test will cease and documented why the test was not administered. An employee will not return to duty or perform job functions until a verified negative drug result is received.

Post accident testing is stayed while the employee assists in resolution of the accident or receives medical attention following the accident.

- C. Test Results – Test results will be classified as Negative, Positive, or Test Refusal:
 - Negative – verified negative result is acceptable for drug testing. For alcohol, a verified test result below 0.04 is acceptable.

- Positive – Per Town policy, all tests producing positive results will result in termination. The following test results will constitute a positive result:
 - Verified positive result of drugs.
 - Verified BAC (Breath Alcohol Content) > 0.04.
- Test Refusal – Per Town policy, the submissions to alcohol and drug testing is a condition of employment, a refusal to submit to appropriate testing will be considered insubordination. Test refusals are considered as positive test result and will result in termination. An employee will be deemed to have refused to take an alcohol/drug test if:
 - They fail to appear for a test within a reasonable time, as defined by the employer.
 - They fail to remain at the testing site until the testing process is complete.
 - They fail to provide a breath or urine specimen as required.
 - They fail to permit an observed or monitored collection specimen when required.
 - They fail to provide a sufficient amount of volume with no valid medical explanation.
 - They fail or decline to take an additional drug/alcohol test as directed by the employer or collector.
 - They fail to undergo a medical exam or evaluation when required.
 - They fail to cooperate with any part of the testing process (i.e., refusal to empty pockets, wash hands, remove hat, etc.).
 - The MRO reports the presence of a verified adulterated or substituted test result.
 - They refuse to sign Step 2 of the Alcohol Test Form (ATF).
 - They leave the scene of an accident without just cause prior to submitting to a test.

Positive drug test results will be reviewed by the Town Administrator who will contact the employee and conduct an interview to determine if there is an alternative medical explanation for the positive test result. If the employee provides appropriate documentation and it is determined that there is a legitimate medical use of the substance, the test result will be reported to the Town as negative.

D. Notification of Test Results – The Town will notify applicants of verified positive test results in writing. The Town will notify an employee of the results of random, reasonable suspicion, and post-accident tests if the results are verified positive, and also which controlled substance(s) are verified positive.

E. Retesting – the following outcomes will result in retesting:

Test Result	Outcome
Negative Dilute (creatinine level is => 5 mg/dl)	<i>Retest will be done unobserved</i>
Negative Dilute (creatinine level is between 2 – 5 mg/dl)	<i>Retest will be done under direct observation</i>
Fatal flaw / rejected	<i>Retest will be done under direct observation</i>

Invalid result (without medical explanation)	<i>Retest will be done under direct observation</i>
Primary is positive adulterated/ substituted and split is unavailable or invalid	<i>Retest will be done under direct observation</i>
Primary is positive and split test fails to reconfirm	<i>Test is considered cancelled</i>
Primary is adulterated/substituted and split fails to confirm adulteration/ substitution	<i>Test is considered cancelled</i>
Primary is positive and split fails to confirm but is adulterated	<i>Test primary for adulteration</i>

- F. Consequences – Employees, whose test result is be positive of Drug/Alcohol substance, will be immediately removed from job duties. The Town of Bartonville has a “zero” tolerance policy and employees with positive test results will be terminated under Town policy. An employee who violates this policy will not be considered for re-employment.

An employee who is tested and has an alcohol concentration of .02 to 0.39 will not be permitted to perform job functions for a minimum of twenty-four (24) hours and will be disciplined under Town Policy. If a tested employee has an alcohol concentration of .04 or greater, he/she will be terminated.

- G. Prescription and Over the Counter (OTC) medications - Some prescriptions and OTC medications may adversely affect an employee’s ability to perform their job safely. The employee is responsible for discussing their job duties with their physician. The physician is responsible for evaluating the employee’s ability to safely perform their job duties. Employees who are medically disqualified from performing their job duties while taking medication will immediately notify their Department Head. All employees are required to notify their Department Head when taking any prescription or non-prescription medication that may interfere with the safe performance of their job duties. The Department Head may either temporarily re-assign them or place them on sick leave. Re-assignment is not to be considered a permanent appointment and is to be temporary in nature with a specific ending date. Failure to comply may result in disciplinary action up to and including dismissal.

Employees should read all warning labels for OTC medications and should seek alternatives to those that indicate they affect mental functioning, motor skills, or judgment. Employees are encouraged to seek assistance from their physician or pharmacist in identifying alternative medications or treatments. Employees should never misuse OTC medicines by taking them longer or in higher doses than the label recommends.

Some medicines may interact with food and beverages, as well as with health conditions such as diabetes, kidney disease, and high blood pressure. Be sure and read the warning label to find out what foods or situations to avoid when taking the medication. If you are taking more than one OTC medication, compare the active ingredients. Do not take two

medicines with the same active ingredients unless instructed by your physician or other healthcare professional.

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

- I. Confidentiality - All information relating to alcohol or drug testing will be protected by the Town of Bartonville as confidential unless disclosure is otherwise required by law or authorized in writing by the employee. All results will be maintained in a confidential file within the Town Administrator’s office.

Town employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. A breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

- J. Record Retention – Drug/Alcohol testing results will be maintained under this policy in accordance with the Town of Bartonville’s adopted Record Retention Schedule.

- K. Contact – Questions regarding this policy should be directed to the Town Administrator.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 5. Conduct

5.04 Drug and Alcohol Policy-DOT

Reserved for Future Adoption

The Town of Bartonville may elect to adopt the following policy or similar policy at some time in the future:

The Town of Bartonville recognizes that drug and alcohol abuse increases risk of accidents, decreased productivity, and medical expenditures. Therefore, we have a vital interest in maintaining a safe and efficient working environment. In order to achieve this environment, Town employees are prohibited from reporting to work or work-related activities under the influence of drugs and/or alcohol. Participation in the Drug & Alcohol program is a requirement of each employee and is a condition of employment.

The Town of Bartonville employs persons in positions that are regulated by the US Department of Transportation (DOT). Town employees who drive a commercial motor vehicle requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as mandated by DOT, Federal Motor Carrier Safety Administration (FMCA), and Federal Transit Administration (FTA), and as outlined in this policy. The Town will comply with the regulations set forth by the DOT.

In order to assure compliance with related regulations, employees are to defer to *49 CFR, Parts 40, 382, and 655* of the DOT regulations regarding testing, test administration, etc.

This policy applies to all employees and job applicants of positions within the Town of Bartonville that are designated as DOT regulated positions. According to the FTA, the definition of safety-sensitive employees includes those that perform any of the following:

- Operation of a revenue service vehicle, even if it is not in revenue service;
- Operation of a non-revenue service vehicle that requires a CDL;
- Dispatch or controlling movement of a revenue service vehicle;
- Maintenance of a revenue service vehicle or equipment used in revenue service. Includes all individuals engaged in engine, parts repair, rebuilding, and overhaul of revenue service vehicles; or
- Carrying a firearm for security reasons.

An employee is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions and includes all times in which an employee begins to work or is required to be in readiness to work (i.e., during on-call status) until the time he/she is relieved from all responsibility for performing work.

The Town’s analyses of employees determined to be in DOT regulated positions are determined by job title and function. This policy is in addition to, not in lieu of, the provisions of the Town’s Drug and Alcohol Policy. DOT tests will be separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test. However, the Town has a zero tolerance policy and DOT regulated employees must adhere to those requirements. Testing procedures that ensure accuracy, reliability, and confidentiality of results will be followed pursuant to DOT regulations.

The following employees/positions are subject to DOT provisions:

Federal Motor Carrier Safety Administration	Federal Transit Administration
Regulated by 49 CFR Parts 40 & 655	Regulated by 49 CFR Parts 40 & 382
Airport Maintenance Workers	Fleet Auto Mechanics
Heavy Equipment Operators	Bus Drivers
Light Equipment Operators	Fleet Supervisor
Line Operators – Water & WW Dist.	Mechanic’s Helpers
Parks Crew leaders	Sr. Auto Mechanics
Parks Maintenance Specialist	Transportation Dispatcher
Parks Maintenance Workers	Transportation Administrator
Sanitation Workers	Transportation Supervisor
Shredding Foreman	
Street Foreman	
Street Maintainer Operator	
Street Maintenance Workers	
Street Sign Technician	
Water Treatment Technician	

A. Prohibited Activities – The following acts are prohibited and employees who commit these acts shall be subject to immediate separation from Town employment:

1. Consumption of illegal drugs at any time. Employees may be tested anytime they are on-duty; off-duty use may result in an on-duty positive.
2. Consumption of alcohol:
 - a. Four hours prior to performing a safety-sensitive function.
 - b. Eight hours following an accident.
 - c. While on-call.
 - d. Blood alcohol concentration of 0.04 or greater when performing a safety-sensitive function.
3. Unlawful manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace.

B. Testing to be performed – In accordance with 49 CFR Part 40, Drug testing is conducted by analyzing an employee’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The employee will provide a specimen in a location that affords privacy. The “collector” divides the specimen into two bottles (known as “split specimen”) in the presence of the donor, seals and labels it, completes a chain of custody form, and prepares the specimen and accompanying paperwork for shipment to a drug testing laboratory.

Per *DOT 49 CFR 40.153*, upon verification of a positive test result, the MRO will notify the employee of the right to have the split specimen tested within 72 hours. The testing of the split specimen will be conducted at the expense of the employee

Alcohol testing will be conducted by breath analysis. Alcohol testing may be performed just before, during, or just after performing a safety-sensitive function.

Per *49 CFR 655.21* testing will be conducted for prohibited drugs and drug metabolites in the following circumstances:

- Pre-Employment
- Random
- Return to Duty/Follow-up*
- Post Accident
- Reasonable Suspicion

**Return to Duty/Follow-up testing may not be applicable due to the Town's "zero" tolerance policy.*

The following prohibited drugs will be tested for:

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

Per *49 CFR 655.31*, testing for alcohol will be conducted in the following circumstances:

- Pre-Employment
- Random
- Post Accident
- Reasonable Suspicion
- Return to Duty/Follow-up*

**Return to Duty/Follow-up testing may not be applicable due to the Town's "zero" tolerance policy.*

Whenever the term "drug," "drugs," or "controlled substances" are used in this policy, it is in reference to the substances listed above. The Town will not test for any other substances under this policy. The Town may, however, test for other controlled substances pursuant to its general Drug and Alcohol Policy.

1. Pre-Employment Testing – All applicants for employment (including part-time and seasonal) are subject to pre-employment testing.

If a pre-employment test is cancelled for any reason, the applicant will be required to take another with a verified negative result. All employment offers are contingent upon passing a drug screen with a negative result and before performing safety sensitive job duties.

Pre-employment tests are also required when employees are promoted, demoted, or transferred into a DOT regulated position. If an employee is on leave for 90 days or more, they are required to have a pre-employment test prior to returning to duty.

Applicants who were tested more than 90 days prior to performing safety-sensitive duties must have a new pre-employment test performed before performing safety-sensitive duties.

- Previous Employer Information - The Town is required, with the applicant's written consent, to obtain information from previous DOT regulated employers for the past two years (FTA covered positions) and three years (for FMSCA covered positions) prior to the date of application, promotion, or transfer. The Town will ask the previous employer for alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations. The Town will obtain and review the information before allowing the person to perform DOT regulated job functions. The Town will also ask the applicant if they tested positive, or refused to test on any pre-employment drug or alcohol test administered by an employer to which the employee applied during the past two (2) years. If the person admits to such conduct, the applicant will not be eligible for hire or if they are currently employed, will be not be permitted to perform safety sensitive functions and will be subject to discipline (up to and including termination). If the person refuses to provide the Town with the required written consent, they will not be eligible for hire or if they are currently employed, will not be permitted to perform safety sensitive functions and will be subject to discipline (up to and including termination).

If the previous employer's response is not obtained within 30 days, the employee will not be allowed to perform DOT functions unless there is documentation of good faith efforts. Evidence of successful completion of a rehabilitation program must be provided from an applicant who previously failed a DOT drug test. The Town will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information and will retain it for a minimum of three (3) years.

2. Return to Duty – The Town of Bartonville's policy is to terminate employees (including safety sensitive) after the first violation of the Drug and Alcohol testing regulations. However, in the event an employee is returned to safety sensitive duties, the return to duty process in 49 CFR Part 655.46 and the follow-up testing process in 40 CFR part 655.47 will apply.
3. Random – Random testing selections are made using a scientifically valid method (computer based random number generator) and are spread reasonably throughout

all periods of the calendar year (all days and hours of operation). Each employee subject to this policy will have an equal chance of being tested each time random selections are made. The number of employees randomly selected will be in accordance with applicable DOT regulations. Each employee randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each employee selected for random testing must proceed to the test site immediately after notification. If the employee is performing a safety-sensitive function at the time of notification, the Town will ensure that the employee ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. The random DOT pool will be divided into two categories: FTA, and FMCSA. Risk Management will be the Designated Employer Representative (DER) for the Town of Bartonville and will ensure all testing is conducted as required.

4. Reasonable Suspicion – All reasonable suspicions will be conducted in compliance with *49 CFR, Part 40, 382.307 (FMCSA) and 655.43 (FTA)*. A reasonable suspicion test will be conducted if a Department Head has reason to believe that an employee is in violation of this policy and makes a written report. The reasonable suspicion must be based on specific (not vague), contemporaneous (occurring right now), and articulable (can be described) observations concerning the appearance, behavior, speech and/or body odors of the employee.

Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. If reasonable suspicion alcohol testing cannot be administered within two (2) hours after observation, a written statement explaining why the test was not promptly administered must be given to the Town Administrator. If reasonable suspicion alcohol testing cannot be administered within eight (8) hours after the observation, the Town will cease attempts to administer the test and document why the test was not administered.

Reasonable suspicion drug testing will be conducted as soon as practicable but no later than thirty-two (32) hours after the reasonable suspicion observation. If the employee is not tested within thirty-two (32) hours, the Department Head must submit a written report documenting the reason why to the Town Administrator.

Employees being ordered for reasonable suspicion testing will be transported to the testing facility by either the Chief of Police or their Department Head. The employee will not be allowed to drive themselves. If a reasonable suspicion occurs after hours, the Department Head will transport the employee directly to the nearest Emergency Room for testing. The Town will make arrangements to have the employee transported home after the testing is complete.

If a DOT regulated employee refuses to submit to a reasonable suspicion test, they will be verbally advised that successful drug/alcohol tests are a condition of employment.

While waiting for the results of a reasonable suspicion test, an employee will not be allowed to return to work or take work home. The employee should not return to the workplace until they have been contacted by the Town Administrator or their Department Head. An employee may use benefit time (vacation or compensatory) pending the outcome of the test. Employees who do not have benefit time available, will be off without pay.

5. Post Accident Testing – In accordance with *DOT 49 CFR, Parts 40, 382, and 655*, DOT regulated employees will be tested following applicable incidents/accidents. Post accident testing will include alcohol and drug testing. When considering DOT post accident testing, all covered employees whose performance could have contributed to the accident will be tested (i.e., dispatcher, mechanic, passenger, etc).

Employees must remain readily available for testing after an accident. An employee will not return to duty or perform safety sensitive job functions until a verified negative alcohol and drug result is received. An employee refusing a post accident test will be considered a test refusal. Department Heads must complete a Post Accident Testing Decision Report.

Post accident testing will be conducted in accordance with *DOT 49 CFR, Part 655.44 Regulations (FTA)*, if:

- There is a fatality;
- One or more of the vehicles suffer disabling damage that requires a tow away from the site (Disabling damage is damage that prevents the vehicle from leaving the scene in its usual manner, in daylight, after simple repairs.)
- An individual requires immediate medical treatment away from the scene.

Please refer to Town Policy Post Accident guidelines for more testing requirements.

Post accident testing will be conducted in accordance with *DOT 49 CFR, Part 382.303 Regulations (FMCSA)*, if:

- There is a fatality
- The Town driver/operator is issued a citation within 8 to 32 hours of the occurrence due to a violation arising from the accident, tests will be performed if:
 - An individual requires immediate medical treatment away from the scene.
 - One or more of the vehicles suffer disabling damage that requires a tow away from the site (Disabling damage is damage that prevents the vehicle from leaving the scene in its usual manner, in daylight, after simple repairs.)

Please refer to Town Policy Post Accident guidelines for more testing requirements.

- a. DOT Alcohol Post Accident Time Limits – Tests should be performed as soon as possible, but no later than eight (8) hours following the accident. Post accident testing is stayed while the employee assists in the resolution of the accident or receives medical attention following the accident. If alcohol testing cannot be performed within two (2) hours, the reason for delay must be documented and efforts must continue to administer the test. If alcohol testing cannot be performed within eight (8) hours, all attempts should cease and documented as to the reason for the test failure.
- b. DOT Drug Post Accident Time Limits – Tests should be performed as soon as possible but no later than thirty-two (32) hours following the accident. Post accident testing is stayed while the employee assists in resolution of the accident or receives medical attention following the accident. If the drug testing cannot be performed within the required time, all attempts should cease and documented as to the reason for the test failure.

C. Test Results - All drug test results are reviewed and interpreted by a Medical Review Officer (MRO) before they are reported to the Town of Bartonville. When a positive result is received, the MRO will contact the employee and conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in their urine specimen. If the employee provides appropriate documentation and the MRO determines there is a legitimate medical use of the prohibited drug(s), the test result will be reported to the Town as negative.

Test results will be classified as Negative, Positive, or Test Refusal:

- Negative – verified negative result is acceptable for drug testing. For alcohol, an employee with a BAC of 0.02 or above cannot perform DOT regulated job duties. If the alcohol result is 0.02 – 0.039, the employee will be removed from duty until the individual tests below 0.02.
- Positive – Per Town Policy, all tests resulting in positive will result in termination. The following test results will constitute a positive result:
 - Verified positive result.
 - Verified BAC (Breath Alcohol Content) > 0.04.
 - Positive Dilute
- Test Refusal – In accordance with *49 CFR Part 40.191*, test refusals are considered **positive** and will result in termination under Town Policy

An employee is considered to have refused to take an alcohol/drug test if:

- They fail to appear for a test within a reasonable time, as defined by the employer.
- They fail to remain at the testing site until the testing process is complete.
- They refuse or fail to provide a breath or urine specimen as required.
- They fail to permit an observed or monitored collection specimen when required.

- They fail to provide a sufficient amount of volume with no valid medical explanation.
- They fail or decline to take an additional drug/alcohol test as directed by the employer or collector.
- They fail to undergo a medical exam or evaluation when required.
- They fail to cooperate with any part of the testing process (i.e., refusal to empty pockets, wash hands, remove hat, is confrontational, etc).
- MRO verification of a test as adulterated or substituted.
- They refuse to sign Step 2 of the Alcohol Test Form (ATF).
- They leave the scene of an accident without just cause prior to submitting to a test.

There are no consequences under DOT regulations for a DOT regulated employee to refuse a non-DOT test. Consequences of refusing a non-DOT test are outlined under Town Policy.

D. Notification of Test Results – The Town will notify applicants of verified positive test results in writing. The Town will notify an employee of the results of random, reasonable suspicion, and post-accident drug tests if the results are verified positive, and also which controlled substance(s) are verified positive. The Town will also make reasonable efforts to notify any employee who tested positive but is unreachable by the MRO. They will be notified to contact the MRO within 72 hours.

E. Retesting – the following outcomes will result in retesting:

Test Result	Outcome
Negative Dilute (creatinine level is => 5 mg/dl)	<i>Retest will be done unobserved</i>
Negative Dilute (creatinine level is =>2 but <= 5 mg/dl)	<i>Retest will be done under direct observation</i>
Fatal flaw / rejected	<i>Retest will be done under direct observation</i>
Invalid result (without medical explanation)	<i>Retest will be done under direct observation</i>
Primary is positive adulterated/ substituted and split is unavailable or invalid	<i>Retest will be done under direct observation</i>
Primary is positive and split test fails to reconfirm.	<i>Test is considered cancelled</i>
Primary is adulterated/substituted and split fails to confirm adulteration/ substitution	<i>Test is considered cancelled</i>
Primary is positive and split fails to confirm but is adulterated	<i>Test primary for adulteration</i>

F. Consequences – Employees, who are found to be positive of Drug/Alcohol substance, will be immediately removed from performing safety-sensitive functions. The Town of Bartonville has a “zero” tolerance policy and employees with positive test results will be terminated under Town policy.

1. An employee who is tested and has an alcohol concentration of .02 to 0.39 will not be permitted to perform safety sensitive functions for a minimum of twenty-four (24) hours and will be disciplined under Town Policy. If a tested employee has an alcohol concentration of .04 or greater, they will be terminated and receive referral to a SAP.
 2. Employees and applicants with positive results will be provided with information regarding Substance Abuse Professionals (SAPs) per *DOT 49 CFR 40.287* regulations.
 3. An employee's refusal to submit to random testing when notified, or failure to report to the lab within thirty (30) minutes, will be considered a test refusal. All test refusals (under DOT regulations) are considered positive and will be terminated under Town Policy.
 4. An employee's refusal to submit to reasonable suspicion testing will be considered a test refusal. All test refusals (under DOT regulations) are considered positive and will be terminated under Town Policy. The date the test refusal occurs will be the final work day of the employee and they will not be eligible for benefits.
 5. Applicants who refuse to test or yields a positive result, will not be considered for employment.
- G. Prescription and Over the Counter medications - Some prescriptions and OTC medications may adversely affect an employee's ability to perform their job safely. Employees are responsible for discussing their job duties with their physician, expressly if they are a DOT regulated employee. For more guidelines on OTC medications, please refer to the Town Drug and Alcohol Policy. An employee shall not report for duty requiring the performance of safety-sensitive functions if he/she uses any controlled substance except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a commercial motor vehicle.
- H. Employee Admission of Drug/Alcohol Use – An employee who admits to alcohol misuse or drug use, must do so in accordance with the Town's Drug and Alcohol Policy; provided the employee may not self-identify in order to avoid the testing requirements of this DOT policy. The employee must make the admission prior to performing a safety sensitive function (prior to reporting to duty). After admission, the employee may not perform a safety sensitive function until the Town is satisfied that the employee has been evaluated and has successfully completed educational and treatment requirements. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, SAP, or a qualified drug and alcohol counselor will determine successful completion. Prior to the employee performing safety sensitive functions, under Town Policy the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

- I. Confidentiality - All information relating to alcohol or drug testing will be protected by the Town of Bartonville as confidential unless otherwise required by law or authorized in writing by the employee. All results will be maintained in a confidential file in the Town Administrator's office.

An employee covered under this policy, is entitled, upon written request, to obtain copies of any records pertaining to their drug or alcohol tests or use.

- 1. Per *DOT CFR 49*, records will be released to subsequent employers with a written request from the covered employee. Without the employee's written consent, records must be released only to those who are authorized under DOT rules.
- 2. Town employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

- J. Record Retention – The Town will maintain records under this policy as mandated by DOT regulations. See *49 CFR 382.401, Retention of Records*.

- K. Education and Training – Per DOT regulations, DOT regulated employees will receive 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and work environment, and the signs and symptoms that may indicate prohibited drug use.

- L. Contact – Questions regarding this policy should be directed to the Town Administrator.

Per DOT:

Town Administrator Signature

Date

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 5. Benefits

5.05 Electronic Communication Systems Access Use

Adopted: December 15, 2009

The Town provides computer networks, Internet access, instant messaging, email, telephones, pagers, digital cameras, voice mail, and fax communication systems for use by Town employees in the performance of their job duties. These communication devices are referred to collectively in this policy as “electronic communications systems” or “systems.” These electronic communications systems are designed to support and enhance the communication, research, and information capabilities of Town employees and to encourage work-related communication and sharing of information resources within the Town. This policy governs user behavior pertaining to access and usage of the Town’s electronic communications systems. This policy applies to all Town employees, contractors, volunteers and other affiliates who use the Town’s electronic communications systems. The Town’s electronic communications systems access must be used in a professional, responsible, efficient, ethical, and legal manner.

- A. Internet, Instant Message and email access. New employees receive a copy of the Town’s technology policy during orientation. No employee will be able to claim a lack of knowledge of the Town’s policy use of technology or electronic media. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender’s privilege of access and/or other disciplinary action under Town policies, up to and including termination of employment.

- B. Acceptable Use. Acceptable uses of the Town’s electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting Town business in line with the user’s job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the Town’s internal network function. The Town prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any Town-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Minimal personal use of the Internet, instant messaging or email and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of Town business. The Town is not responsible for personal communications sent on its electronic communications systems.

- C. Unacceptable Uses of Electronic Communications Systems include:

1. Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers **or** third parties.
2. Accessing, displaying, downloading, or distributing sexually explicit material.
3. Accessing, displaying, downloading, or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
4. Copying or downloading commercial software in violation of copyright law.
5. Using the systems for financial gain or for any commercial activity unrelated to Town business.
6. Using the systems in such a manner as to create a security breach of the Town network.
7. Looking or applying for work or business opportunities other than for internal Town postings.
8. Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, color, sex, national origin, age, disability, physical attributes, or sexual preferences.
9. Transmitting or sharing information regarding a coworker's health status without his/her permission
10. Expressing opinions or personal views that could be misconstrued as being those of the Town.
11. Expressing opinions or personal views regarding management of the Town or other political views
12. Using the electronic communication systems for any illegal purpose or in any way that violates Town policy or is contrary to the Town's best interest.

D. The Town may use software to filter Internet and instant message content for all employees. These filters are designed to prevent the viewing, sending, or any of the following types of content:

1. Violence/Profanity
2. Full or partial nudity
3. Sexual or deviant acts
4. Satanic/Cult
5. Militant/Extremist
6. Illegal activities

The Town may review this filtering on a periodic basis and may modify this list of prohibited content without notification to Town employees, contractors, volunteers or other affiliates. The Town Administrator (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the Town's current filtering practice impedes the requestor's ability to perform his/her job duties.

E. Responsibility. The person in whose name a Town provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of

conducting Town business on the Town's electronic communications systems will be considered a communication of the Town and held to the same standards as formal letters.

- F. **No Right of Privacy/Monitoring.** Users of Town electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the Town will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, information and material transmitted, received or stored using Town systems and user Internet access and usage patterns to assure that the Town's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy.

- G. **Copyright Restriction.** Any software or other material, including music, downloaded into a Town computer may be used only in ways consistent with the licenses and copyrights of the vendor, author, or owner of the material. Prior authorization from Information Technology is required before introducing any software into the Town's computer system. Employees may not download entertainment software, games, or any other software unrelated to their work.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

Chapter 5. Conduct

5.06 Employee Conduct/Rules/ Disciplinary Action

Adopted: December 15, 2009

To ensure orderly and productive operations and provide the best possible work environment, the Town requires employees to follow rules of conduct that will protect the interests and safety of the Town, its citizens and employees.

A. Positive Discipline

Positive discipline emphasizes employees' responsibility for their own behavior. Key aspects include Department Heads recognizing and encouraging good performance, while correcting performance problems through counseling and gaining commitment to safe and efficient work practices and performance. Positive discipline focuses on communicating an expectation of change in behavior and needed improvement in a personal, non-threatening way, while maintaining a commitment to the Town of Bartonville's performance. Discipline may vary according to the circumstances surrounding the problem and the employee's past record. Steps in the counseling and discipline process may be skipped when the facts surrounding the offense warrant such action.

When disciplinary action is necessary, the Department Head must ensure that;

1. the method chosen fits the individual situation;
2. the action is taken in a timely manner;
3. the action is reasonable and understood by the employees; and
4. supervision is firm and action taken are consistent.

B. Counseling

Counseling is an everyday activity performed by Department Heads to teach and show employees how to perform their jobs properly. Recognizing employees for work well done is an essential feature. In addition, an employee should be advised of unsatisfactory performance by the Department Head when such performance occurs.

The employee should be notified of specific deficiencies observed and necessary improvements needed. The focus of any counseling session should be on communicating an expectation of change and improvement. Normally, most problems are resolved by counseling. Department Heads shall note such contacts.

C. Positive Contacts

1. Positive contacts are recognition of good performance. Positive contacts may be verbal or written.

2. It is strongly recommended that each Department Head maintain a balance between verbal and written positive contacts for each employee.
3. When the praise is communicated by a citizen or by a Department Head from another department, the commended employee's immediate Department Head should be notified as soon as possible and the compliment noted.

D. Steps in the Discipline Process

1. Oral Reminder (Usually for minor offenses)
 - a. The Department Head should discuss with the employee the:
 - (1) specific deficiencies observed in the employee's performance and the importance of commitment to the Town of Bartonville's performance standards;
 - (2) the necessary improvement;
 - (3) the period of time in which improvement must occur;
 - (4) what further action will result if the employee fails to show satisfactory improvement. The Department Head should document thoroughly the conversation and maintain this documentation in the employee's departmental personnel file.
 - b. The Department Head also makes a notation of the action in department files.
2. Written Reminder
 - a. This step is appropriate for a more serious infraction or repeated infractions. A written reminder should be signed by the Department Head and the employee, the original given to the employee, and a copy in the employee's personnel file. IF the employee refuses to sign the written reminder, a witness should be brought in and asked to sign that the employee received the letter. The written reminder should state:
 - (1) date of conversation;
 - (2) specific rule violation or performance problem that occurred;
 - (3) dates of prior counseling sessions and oral reminders, if applicable;
 - (4) specific change in the employee's performance or behavior that is expected;
 - (5) time allowed for correction of the problem;
 - (6) statement that a letter of reminder will be placed in the employee's personnel file;
 - (7) further levels of positive discipline, which may follow if total job requirements are not met;
 - (8) additional training that is available, if appropriate, in the deficient area(s) upon request of the employee or by direction of the Department Head;

(9) disciplinary probation dates, if appropriate.

b. The Department Head also makes a notation of the action for the departmental file.

3. Decision-Making Leave (DML)

a. Decision Making Leave (DML) is appropriate after previous attempts have not corrected the problem and the employee violates the same rule or commits the same offense. DML(s) are also appropriate for first offenses of a serious nature, such as insubordination, dishonesty, or fighting when the circumstances surrounding the incident do not justify termination. The Department Head, with advice and counsel of intervening levels of supervision, assembles all documents and records leading to and supporting the application of DML. A discussion with the employee is conducted by the Department Head and/or the Town Administrator. The employee's overall work record, work performance, attendance, and conduct problems are reviewed.

b. This discussion is followed by the employee being placed on a one-day Decision-Making Leave (DML) with pay the following workday (shift), in order for the employee to decide whether they wish to continue employment with the Town of Bartonville. The Department Head prepares a letter that outlines:

- (1) cause for the action, including the date, time and place the infraction occurred;
- (2) rules, policies, and procedures violated;
- (3) previous related disciplinary action, if any;
- (4) date the DML is to be taken;
- (5) who this decision may be appealed to and the time limit. (Reminder DMLs may only be appealed as high as the Town Administrator.)

c. Process

(1) one copy of the letter is signed by the employee as an acknowledgement of receipt of the letter. The acknowledgement copy is placed in the employee's official personnel file.

(2) The employee reports the decision the next workday (shift) after the DML. This will be in the form of a letter of resignation or the workings of a performance improvement plan. If the employee decides to continue working for the Town of Bartonville, the employee, the Department Head and/ or the Town Administrator will discuss the employee's plans to make the needed performance improvements. The employee may be placed on probation for up

to twelve (12) months, during which time if he does not live up to this recommitment and meet **all** job requirements, termination may result. The employee is given a letter signed by the Department Head and the employee summarizing the DML discussion and the employee's decision.

- (3) The original copy of the letter is given to the employee. One copy of the letter is signed by the employee as an acknowledgement of receipt of the letter. The acknowledgement is placed in the employee's official personnel file. Additional copies are distributed through intervening authority as required.
- (4) The Department Head also makes a notation of the action in the employee file.

d. Frequent follow-ups are essential for positive discipline to achieve the desired results. The follow-ups are normally made by the Department Head at the appropriate intervals. Further counseling continues as required, and positive contacts are made to reinforce good performance. Department Heads provide timely feedback to employees at the following suggested intervals:

- (1) one month after DML
- (2) six months after DML (if applicable)
- (3) one month prior to the 12-month period following the DML (if applicable)
- (4) note: at any time, if the employee's performance remains unsatisfactory, the employee may be terminated.

E. Felonies and Misdemeanors. Employees must immediately notify their Department Head and/or the Town Administrator if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo-contendere to any non traffic related misdemeanor or felony. In most instances, the Town will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Head and the Town Administrator. An employee on administrative leave may, in the Town's sole discretion, 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.

F. Disciplinary Demotion

Disciplinary demotion is not a step in the positive discipline process. Demotions may only be granted by Department Heads. If an employee is demoted due to a disciplinary

action it will result in a decrease that equals the new range minimums, but will not go below entry of the new range.

G. Administrative Leave

Administrative leave is not a step in the positive disciplinary process. When an employee is suspected of a violation of a Town, State, Federal law, rule or departmental policy which, if proven, would justify disciplinary action, but an investigation determining the exact nature and extent of the violation is in progress or incomplete, the employee may be placed on administrative leave with or without pay pending the outcome of the investigation and the imposition of disciplinary action. Department Heads will approve administrative leave without pay in certain circumstances. All serious allegations involving a Town policy or rule that could result in termination may be reviewed and possibly investigated by the Town Administrator and/or the Town Attorney.

H. Pre-Termination

Termination is not a step in the positive discipline process. When efforts to retain an employee have failed, the Department Head/Administrator needs to begin the pre-termination process. The Department Head/Administrator will write the pre-termination letter outlining the violation(s) and their recommendation for termination. The letter will also contain the date, time, and location of the pre-termination meeting with the Department Head. The pre-termination meeting will be no earlier than two (2) work-days after the date the employee receives or should have received the pre-termination letter. The Department Head will convene the hearing so the employee may have an opportunity to present their case. After the pre-termination hearing the Department Head shall make a decision regarding the employee's future with the Town of Bartonville. This decision shall occur no earlier than 24 hours after the pre-termination hearing and not later than five (5) working days after it. The written decision shall go to the employee with a copy sent to the Town Administrator.

I. Prohibited Activities. Disciplinary action will be imposed for violation of Town or departmental policies and procedures, codes of conduct, 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 Town or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action. It is impossible to list all forms of behavior that are considered unacceptable in the workplace. The following is a non-exhaustive list of examples of conduct that will likely result in disciplinary action, up to and including termination of employment

1. The employee is unsatisfactory or inefficient in the performance of their duty.
2. The employee has been discourteous, offensive, or abusive either by attitude, language or conduct, to the public or to fellow employees while said employee is in the line of duty.

3. Falsification of timekeeping or other records, including employment application.
4. The employee has some permanent or chronic physical or mental ailment or defect that tenders them incapacitated for the performance of their duties.
5. The employee has been convicted of a felony or any crime involving moral turpitude.
6. The employee is guilty of misappropriation, theft, or conversion of Town property whether on or off duty.
7. The employee has hindered the division's operation because of unexcused habitual tardiness or excessive absenteeism.
8. The employee has been found sleeping on the.
9. The employee is guilty of using or possessing intoxicants or drugs while on duty other than those drugs lawfully prescribed.
10. The employee through negligence or willful conduct has caused damage to Town property or waste of Town supplies or resources.
11. The employee has shown disregard for the safety of himself, other employees, or citizens' property.
12. The employee fails to maintain or achieve required job standards such as certification, licensing, etc.
13. The employee has failed to obey an order from the Town Administrator or their Department Head/Administrator to terminate or desist from outside employment, public office, or enterprise that has been determined to be incompatible with Town employment or that conflicts or interferes in anyway with regular Town work.
14. The employee has violated provisions of the harassment and discrimination policies.
15. The employee has been guilty of any act or conduct showing a lack of good moral character or of any other conduct unbecoming a Town employee on or off duty.
16. The employee has failed to obey any lawful and reasonable direction given by their Department Head/Administrator, when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization or to result in loss, inconvenience or injury to the Town or the public
17. The employee has knowingly falsified or misrepresented any Town document.
18. The employee's off-duty actions or involvement is damaging to the Town's reputation or business.
19. There is an accumulation of infractions that when looked at singly, are minor, but when reviewed together, indicate a pattern of behavior that is unsatisfactory or unbecoming a Town of Bartonville employee.
20. There exists a conflict of interest with the employee and the Town of Bartonville, involving a financial interest, the employee's use of their Town employment for personal betterment, where other employment is incompatible with duties and responsibilities as a Town employee or any other relationship that conflicts with Town policies, practices, rules or regulations.
21. The employee has violated any Charter, personnel policy or departmental rule, regulation or special order.

22. Making or publishing false, vicious or malicious statements about the Town or a Town employee, citizen or others.
23. The employee has been guilty of any other acts or conduct of equal gravity to the reasons enumerated in this section.

Reminder: Nothing in this policy is intended to change or modify the at-will status of Town employees or to create or confer any property rights or expectation of continued employment to any employee.

TOWN OF BARTONVILLE

PERSONNEL POLICIES AND PROCEDURES

Chapter 5. Conduct

5.07 Performance Evaluation System

Adopted: December 15, 2009

The Town uses a performance evaluation system for assisting Department Heads in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the Department Head-employee relationship. The performance evaluation system provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance evaluation system as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

- A. Schedule. Regular full and part-time employees hired are eligible to have:
1. A performance review before completing their probationary period; and
 2. An Annual performance evaluation coinciding with budget preparation between April and June of each year.
 3. **Newly transferred or promoted employees who are on probation shall also receive periodic evaluations during their probationary period.**

Department Heads are governed by the above schedule unless provisions of individual employment contracts establishes a different performance evaluation system.

- B. Department Head Responsibilities
1. All performance evaluation information must be in written form and forwarded to the Town Administrator's office for retention in the employee's official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the Department Head has a witness acknowledge the employee's refusal to sign the evaluation document.
 2. Department Heads will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed. Each employee will sign and date a copy of his/her Performance Evaluation when it is reviewed, and the Department Head will forward a copy to the Town Administrator's office for filing in the employee's personnel file.

3. Department Heads are expected to ensure compliance with this policy and ensure that evaluating Department Heads have a clear understanding of the performance evaluation process and use of evaluation forms. Department Heads are encouraged to review all Performance Evaluation forms and documents for validity prior to the department Head conducting the performance evaluation with the affected employee, in order to correct any obvious errors or rating bias.
- C. **Town Administrator Responsibilities**

The Town Administrator will review all evaluation documents for obvious errors and return them to the Department Heads for any clarifications or procedural corrections. The Town Administrator is responsible for maintaining original evaluation documents in official personnel files, and for timely processing of evaluations for any compensation due.
 - D. Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating Department Head. If the employee is unable to resolve his/her issues and concerns with the evaluating Department Head, the employee may address them with the Town Administrator. The Town Administrator will address the concerns in writing or verbally at the Administrator's discretion.
 - E. No portion of the evaluation process is a guarantee of a wage increase. Wage increases require the approval of Town Council through its budget, the Town Administrator, and the Department Head. In order to be considered for a wage increase, an employee's performance evaluation must reflect a level of performance that meets or exceeds expectations.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

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5.08 Political Activity

Adopted: December 15, 2009

Town employees will not be appointed or retained on the basis of their political support or activities. Town employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. Town employees may not:

- A. Use his/her position or office to coerce political support from employees or citizens.
- B. Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- C. Use working hours or Town property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- D. Hold an appointive or elective office of public trust where service would constitute a conflict of interest or may be incompatible with Town employment, *e.g.* Town of Bartonville Town Council, Argyle ISD, Denton ISD, BWSC, AWSC and Denton County. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be dismissed upon failure to do so.
- E. Use in any manner Town funds, property, equipment, supplies or time in support of any political measure.

TOWN OF BARTONVILLE PERSONNEL POLICIES AND PROCEDURES

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5.09 Sexual and Other Harassment

Adopted: December 15, 2009

The Town is an equal opportunity employer. Employment discrimination on the basis of race, religion, color, sex, national origin, age, disability, marital status, veteran status, citizenship, or any other characteristic or trait protected by law, is prohibited. All Town employees are entitled to a workplace free of unlawful harassment by management, Department Heads, co-workers, citizens, and vendors. Town employees are also prohibited from harassing other Town employees, citizens, vendors, and all other third parties.

A. In General

1. Any Town employee, contractor or vendor who engages in unlawful harassment or discrimination will be subject to corrective action up to and including termination of employment or contract.
2. Employees who feel they have been unlawfully discriminated against or harassed by any person in the workplace shall immediately report such incidents following the procedure described below, without fear of reprisal. Complaints and investigations will be handled discreetly, but confidentiality is not assured due to the rights of the accused and other laws.
3. All claims of discrimination or harassment will be promptly investigated. An employee making intentionally false or malicious claims against another can face disciplinary actions up to and including termination.
4. Contractors or vendors should report any unlawful discrimination or harassment without regard to the source (e.g. fellow employee, Department Head, customer, vendor, etc.)

B. Sexual Harassment. One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

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

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

- C. **Other Prohibited Harassment.** In addition to the Town's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, veteran status, citizenship, or any other characteristic or trait protected by law is also prohibited. Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic or trait. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited. This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to facsimile, e-mail, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, will not be tolerated. This policy applies to Town employees, citizens, vendors, and other visitors to the workplace.
- D. **Mandatory Reporting.** The Town requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that he or she has been subjected to conduct prohibited by this policy must report it immediately to his or her Department Head and the Town Administrator.

Any Department Head who becomes aware of possible conduct prohibited by this policy must immediately advise the Town Administrator.

Under this policy, an employee may report to and/or contact the Town Administrator directly, without regard to the employee's normal chain of command. Voice messages or e-mails may be left at any time.

In addition, the Town encourages employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action will resolve the problem.

E. Investigation.

1. The Town takes very seriously every complaint of unlawful discrimination or harassment and/or complaints of unlawful adverse employment action relating to filing of discrimination or harassment complaints.
2. All reports of prohibited conduct will be investigated promptly by management in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation.
3. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

F. Responsive Action.

1. Management will take immediate and prompt action regarding complaints of harassment. An employee who accuses another of harassment should expect that he/she will be interviewed as promptly as possible under the circumstances. Management will take immediate and prompt remedial action. Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal, will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were fabricated or exaggerated.
2. The Department Head or the Town Administrator will coordinate the final report of investigative findings and appropriate corrective action to be taken. This is then sent to the Town Council who, upon the advice of the Town Attorney, will make the final decision. Appropriate action for the offending employee(s) may include, among other things: reprimand (oral and/or written), transfer to another position or to another division (when appropriate and feasible) and /or suspension without pay, demotion, or termination.

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5.10 Solicitation/Gifts

Adopted: December 15, 2009

This policy provides guidelines for, and prohibitions from, the acceptance of gifts and gratuities by Town employee. The Town prohibits any employee from soliciting, accepting, or agreeing to accept any gift, gratuity, or benefit from any person, firm corporation, partnership, or association which transacts or solicits business of any type with the Town, or has had, or may have in the future, any matter pending with the Town except as provided below.

- A.
 - 1. An employee who receives a gift/gratuity of any type in connection with their employment with the Town will report its receipt to their Department Head as soon as possible.
 - 2. Each Department Head is responsible for ensuring that this policy is applied equitably throughout their division.
- B.
 - 1. Employees may not take for personal use, a fee, gift, or other valuable item exceeding \$50.00 in value in the course of their employment, or in connection with it.
 - 2. If a person presents a gift to a Town employee as a reward for service or as an act of expressing appreciation, then the employee shall report the gift in writing to his Department Head and the Town Administrator.
- C. Whenever an employee receives a prohibited gift as outlined in this policy, the employee shall immediately return it with a letter stating that the gift is being returned because it violates Town policy. The employee shall forward a copy of the letter to the Town Administrator for placement in the employee's personnel file.
- D. Violation of this policy may result in disciplinary action up to and including termination.

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5.11 Weapons Ban & Violence Prevention **Adopted: December 15, 2009**

The Town strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

- A. Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the Town, whether the conduct occurs on duty or off duty, is prohibited.

- B. The Town will attempt to respond appropriately to any person who threatens use of force or violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts. The Town's response will normally be coordinated by the Town Administrator, and where applicable, the Town's Police Department or other appropriate law enforcement agency. The Town Administrator will evaluate the severity of the situation and the need for additional resources (e.g., law enforcement, Emergency Medical Services) to minimize risk and further violence, and will work with the appropriate Department Head(s) in an effort to ensure that appropriate administrative actions are taken. If such conduct occurs on Town property, the offending person will typically be removed from the premises pending the outcome of an investigation. The Town may also suspend and /or terminate the employment relationship, reassign job duties, mandate counseling with a psychologist or other mental health care provider of the Town's choosing, initiate criminal prosecution of the person or persons involved, and/or other actions as determined by the Town to be appropriate under the circumstances.

No existing Town policy, practice, or procedure will be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

- C. Unless specifically authorized by the Town Administrator, no employee shall carry or possess a firearm or other weapon on Town property. The Town prohibits employees from carrying or using any weapons, concealed or otherwise, on Town property. This ban includes keeping or transporting a weapon in any vehicle in a Town-provided parking area. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in Town-related business. Prohibited weapons include firearms,

clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc. However, this prohibition shall not apply to sworn peace officers.

- D. Each Town employee must immediately notify his/her Department Head, the Town Administrator and /or the Police Department of any act of violence or of any threat involving a Town employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each Town employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on Town property, a Town-controlled site or Town job site, or when that behavior is in any manner connected to Town employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior.

Employees who apply for or obtain a protective or restraining order which lists Town locations as being protected areas must immediately provide to the Town Administrator and the Town's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. Town employees must immediately advise their Department Head and the Town Administrator of any protective or restraining order issued against them.

- E. Confidentiality. To the extent possible, while accomplishing the purposes of this policy, the Town will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, Town management, and others on a need-to-know basis and as may otherwise be required by law.

Town Property. For purposes of this policy, Town property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas.

Documentation. When appropriate, threats and incidents of violence will be documented. Documentation will be maintained by the Town Administrator and/or the Police Department.

Policy Violations. Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

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5.12 Dress, Appearance & Uniforms

Adopted: December 15, 2009

During business hours, employees are expected to present a clean and neat appearance and to dress safely in accordance with the requirements for the position they hold in the organization. Acceptable personal appearance is an ongoing responsibility of each employee. Each employee's appearance reflects upon the Town and the Town's image.

"Business Casual" is the foundation of the Town of Bartonville dress policy for regular workdays. "Business attire" is required for situations that call for more formal dress, such as Town Council meetings, business meetings, or professional presentations. "Casual Friday" is the same as "business casual" except employees may wear jeans (well fitted with no holes, inappropriate markings) and sneakers. Remember at all times employees are to be dressed professionally.

A. Appropriate Dress

The personal appearance and grooming of our employees plays an important role in the perception the public and customers have of the Town of Bartonville. This policy establishes "business casual" as the foundation of the Town's professional dress policy. In order to maintain a positive public image and to assist employees in determining what is appropriate, the following guidelines are established:

1. Personal cleanliness is required by all. Appropriate and suitable foundational garments are also required by all. In general, employees should be neat and wear **conservative and well fitted** clothing appropriate to the scope of their job.
2. Employees who are provided work attire are expected to wear it, i.e. uniforms. Employees who are provided uniforms will follow departmental policies regarding wear and care. Appropriate personal protective equipment and safety gear will be worn as required.
3. Body jewelry other than traditional earrings, rings and bracelets are not allowed. This includes, but is not limited to, nose rings, lip rings, body piercings or inappropriate number of earrings.
4. Employees in office settings will wear appropriate professional attire. Dress, hairstyle and hair color should be appropriate for the workplace and business hours. Garish dyes and non-natural hues are inappropriate hair color.

B. Examples:

1. Business Attire
 - Traditional suit and tie

- Slacks and sports coat, dress shirt with collar and tie
 - Business dresses, skirts, pants suits, blouses and shells
 - Dress shoes, leather boots appropriate for meetings and the like
2. Business Casual
- Slacks (twill, khaki, but no denim); professional looking Capri pants may be worn but not “clam diggers” “painters’ pants” or the like.
 - Blazer or sports coat
 - Sweaters or cardigans
 - Knit golf shirts, polo shirts, Town logo shirts; (Appropriate blouses that are not too sheer, no plunging necklines and the straps are wide enough to cover a bra strap or will be worn under a matching suit blazer that is worn at all times).
 - Sports shirts with collar or banded (short or long sleeve).
 - Skirt, casual dresses (both appropriate length). If wearing something with straps, the straps must be wide enough to conceal a bra or must be under a matching suit blazer that will be worn at all times). The neckline of the dress should not be too revealing either in sheerness or lowness of the neckline.
 - Appropriate shoes, hosiery optional, however footwear must be suitable and in good taste for an office environment.
 - Denim pants, jackets, dresses, skirts and shirts are only appropriate on Fridays.

C. Inappropriate Dress

- T-shirts or shirts with inappropriate slogans or emblems
- Shorts and skorts more than four inches above the knee
- Skirts more than four inches above the knee
- Leggings
- Sun dresses, unless it is professional looking
- Provocative or low-cut attire
- Sweat suits, wind suits
- Floppy shoes
- Tennis shoes or sneakers (except on Fridays)
- Ripped or tattered clothing

D. Enforcement

Employees who arrive at work inappropriately dressed will be sent home by the Department Head and will promptly return to work dressed in accordance with these guidelines. The employee will not be compensated for the time away from work.

These guidelines are established as a minimum. Each employee’s Department Head or Administrator will enforce and administer these guidelines, respond to questions, and make medically required, safety-related or other work-related exceptions. The

Department Head or Administrator retains the discretion to establish stricter dress guidelines for the work area, to modify these guidelines and/or to determine if uniforms are to be worn. In general, these guidelines shall not be relaxed unless there exists a valid medical, safety or work related rationale.

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5.13 Transfers

Adopted: December 15, 2009

A. Types of Transfers

1. Lateral Move – Reassignment to a position of equal grade. The employee’s salary will remain the same.
2. Voluntary Transfer to a Position Not Previously Held – Administrative discretion is allowed in determining whether or not an employee’s salary is to be lowered, but the salary would not go below minimum or above the maximum of the new grade. The hiring Department Head is responsible for ensuring the employee is aware of what the salary would be prior to, or at the time of the job offer. It is not a transfer when an employee moves to a higher level position, it is a promotion.
3. Voluntary Transfer to a Previously Held Position – Transfer back to a position in a lower grade previously held would require the salary be decreased to the original rate of pay prior to the promotion, plus any merit raises received within that time period. A transfer back to a previous position within the same grade would not require a salary adjustment.
4. Interdepartmental Transfer – Transfers between two departments.
5. Intradepartmental Transfer – Transfers within a department.

B. Employees may be transferred between departments provided the following conditions are met:

1. Negotiations for transfer between departments shall be handled through The Town Administrator
2. Transfers to vacant positions will be considered in instances where better utilization of skills may be accomplished or improved morale might result.
3. Employees must notify their Department Head prior to accepting employment with another department/division.
4. Employees must meet minimum qualification for the positions for which they are requesting transfer.

5. Department Heads may authorize a transfer between their departments (intradepartmental transfer) without opening the position internally or externally.

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5.14 Inclement Weather/Emergency Closings Adopted: December 15, 2009

Except for extraordinary circumstances, Town offices DO NOT CLOSE. All Town employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

- A. If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify his/her Department Head and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to vacation or comp time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.
- B. The Department Head is responsible for seeing that Town services are staffed while Town offices are open for business during inclement weather or emergency conditions. Any Town service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the Town Administrator's Office.
- C. When weather or other conditions are such that the Town Administrator declares certain Town offices/departments officially closed, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "paid administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other Town departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department Head and/or the Town Administrator. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment.

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5.15 Outside and Self-Employment

Adopted: December 15, 2009

- A. Town employees may engage in outside or self-employment provided they receive prior written approval from their Department Head on the Town's Outside Employment Form. Department Heads and "direct reports" to the Town Administrator must receive written approval from the Town Administrator prior to engaging in outside or self-employment.
- B. Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the Town, or conflict in any way with the best interests of the Town. Other outside activities, such as volunteer activities, that might similarly distract from an employee's ability to perform his or her job with the Town are also prohibited.
- C. Upon approval of outside or self-employment, the employee shall execute an Agreement that such employee waives all rights to sick leave, or any other time off, in the event such employee is unable to perform the duties as an employee of the Town because of accident, injury, or illness resulting from travel to or from, or performance on another job.
- D. An employee will not be covered by the Town's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official Town employment activities while engaged in such outside or self-employment.
- E. Approval for outside or self-employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside or self-employment. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, or an unpaid leave of absence, engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Department Head and the Town Administrator.
- F. For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the Town. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Girl Scouts, American Heart Association, faith based activities or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

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5.16 Travel

Adopted: December 15, 2009

INTRODUCTION: As the Town of Bartonville recognizes the need for travel on the part of its appointed staff, this travel policy will apply to all employees of the Town of Bartonville. Any expenses incurred in connection with their attendance on behalf of the Town must be job-related. Every effort will be made to minimize travel costs.

- A. PURPOSE:** This policy will establish guidelines, limitations and prohibitions to payment by the Town of items related to travel.
- B. SCOPE:** This policy is applicable to the following:
1. All employees of the Town of Bartonville.
 2. Travel for job-related training.
 3. Travel for job-related education, workshops, meetings, seminars or conferences.
 4. Travel to testify or make presentations in job-related cases.
 5. Travel resulting from being elected to a job-related professional organization.
 6. Travel to other cities or agencies to review and evaluate job-related projects or programs.
- C. AUTHORIZATION:** The Town Administrator or his designee must authorize all travel in advance.
- D. APPROVED EXPENDITURES:** The following guidelines are the basis upon which requests for reimbursement should be submitted. Receipts are required for backup for all expenditures except when using meal allowance.
1. Transportation - Cost and time should guide employees in selecting the appropriate mode of transportation. (The Town will pay for the least expensive mode of transportation unless approved by the Town Administrator.)
 - a. Air fare - Coach or economy.
 - b. Personal Vehicle - Use of a personal vehicle shall be reimbursed at the per mile rate determined by the Internal Revenue Service. Department Heads or the Town Administrator can require either method. The allowance per mile will be adjusted each January based on the Internal Revenue Service (IRS) allowable.
 - c. Non exempt employees will receive travel pay for the actual time spent driving or flying to or from their destination. The compensation will be at their regular pay rate.

2. Lodging/Meals

- a. Meals – Over Night Travel: The total cost of all meals, including tips, snacks, grocery store, etc., will be reimbursed based on an allowance of \$50.00 per day (\$10 breakfast, \$20 Lunch and \$20 Supper). No receipts are required and under expenditures or over expenditures are the responsibility of the employee. Conference meals that are a part of your registration will not be reimbursed. Leave and return times will be used to determine reimbursement for partial days per the following schedule:

<i>If you leave after 8:00am</i>	<i>allowance is reduced \$10 (no breakfast)</i>
<i>If you leave after 2:00pm</i>	<i>allowance is reduced \$30 (no lunch or breakfast)</i>
<i>If you leave after 7:00pm</i>	<i>no allowance granted for that day</i>
<i>If you return before 10:00am</i>	<i>allowance is \$10.00(breakfast)</i>
<i>If you return before 5:00pm</i>	<i>allowance is \$30.00(breakfast and lunch)</i>
<i>*If you return before Midnight</i>	<i>allowance is full amount</i>

- b. Meals for **non-Town** employee – to be reimbursed the name, position, and reason must be submitted to the Town Administrator prior to the expenditure.

3. Lodging - Expenses for adequate lodging should be appropriate for the purpose of the trip. All lodging should include the hotel/motel bill with an itemized account of all expenses, including any taxes.

4. Miscellaneous Expenses

- a. Telephone – Approved calls include the following: Long distance telephone toll charges in connection with official business and one personal call per day will be allowed in order to contact family members (use Inter-Tel or pre-paid phone cards when available).
- b. Registration Fees - Fees charged for registration at meetings or conventions when representing the Town. All receipts must be supplied.
- c. Car Rental - Rental car services are allowed where it is necessary and where it is most economical considering travel time.

- d. Parking - Parking fees will be reimbursed to fulfill parking needs while on Town business for Town vehicles, personal vehicles or rental cars. Examples are airports, any business office destination or hotel parking garage fees.
- e. Taxi/Limousine Service - Ground transportation between airport and hotel or meeting are allowable.
- f. Gratuities - Tips for meals are included in the meal allowance. Tips for other purposes, such as porters, bellhops, or cab drivers, are considered appropriate.
- g. Receipts - All receipts will be submitted no later than 10 workdays after returning from a trip.

D. PROHIBITED EXPENSE ITEMS: The following items are not allowed under this travel policy:

- Alcoholic beverages
- Expenses of spouse, children, or guests (except in V.B.2. above)
- Laundry
- Any item of a personal nature (includes movies)

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5.17 Tobacco Use

Adopted: December 15, 2009

- A. Employees are prohibited from smoking or using tobacco products of any kind on or in Town property or within 25 feet of any Town property entrance.
- B. Department Heads are expected to work with The Town Administrator and take the appropriate corrective and/or disciplinary action when employees violate this policy.
- C.
 - 1. Employees will not smoke or use tobacco products in or on Town property workplaces.
 - 2. Employees will not smoke or use tobacco products within 25 feet of an entrance to any facility.
 - 3. Employees will not smoke or use tobacco products in or on Town owned vehicles.

Employees in violation of this policy are subject to disciplinary action up to and including suspension without pay or termination.

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5.18 Grievance

Adopted: December 15, 2009

A grievance is an employment-related complaint or request for inquiry for 1) an action considered unequal, unfair, and/or unlawful; 2) an interpretation and/or application of Town of Bartonville departmental policies, procedures or practice; or 3) job-related retaliation.

- A. Any employee wishing to submit a grievance must first discuss the grievance with the employee's Department Head. If the matter is not resolved to the employee's satisfaction, the employee may take the grievance to the employee's Department Head. The employee must submit the grievance in writing no more than ten (10) working days after receiving the Department Head's response.
- B. An employee failing to gain satisfaction after conferring with the employee's Department Head may present his/her grievance to the Town Administrator. Deference must be given to the Department Head's findings. The employee must notify the Town Administrator within ten (10) working days of his/her desire to have the grievance considered.
- C. If the Town Administrator finds no merit in the grievance, the Department Head's decision on the matter will be final. If the grievance is found to have merit and was not adequately resolved by the employee's Department Head, the Town Administrator will submit the matter to the Town Council. In investigating the grievance, the Town Administrator may conduct such inquiries as he/she may deem appropriate or may refer the matter to the Town Attorney to investigate any grievance and offer or recommend solutions. The decision of the Town Council is final.

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5.19 Disciplinary Appeal Process

Adopted: December 15, 2009

An employee may appeal disciplinary action imposed against him/her if the action involves a suspension greater than one (1) day, demotion, or termination. The sole basis of appeal shall be 1) whether the facts supporting the action are true; and/or 2) whether the discipline imposed against the employee is appropriate.

However, the implementation and use of an appeals process is intended only to safeguard the Town against arbitrary and capricious disciplinary actions taken by supervisors and directors. The availability of an appeal is not intended to and shall not be construed to grant or confer any right or interest in employees to avail themselves of the appeal process nor shall it be deemed in any way to grant or confer an expectation of continued employment. The Town of Bartonville is an at-will employer. Nothing in this chapter or in the manual shall be interpreted as establishing a contractual relationship. This policy and this manual is not a contract.

The Town has established a policy of progressive discipline whereby the sanctions imposed against an employee shall become increasingly severe for repetitious violations of policy, up to termination from employment. However, since violations may involve different levels of severity, the Town's progressive discipline policy shall not prevent termination as the first sanction depending on the severity of the violation.

Any employee wishing to appeal disciplinary action shall pursue the following steps:

1. A good faith effort shall be made to resolve the issue with the employee's Department Head. The employee should communicate their appeal to their Department Head within ten (10) working days after the disciplinary action has taken place. The Department Head will respond to and attempt to resolve the issue in writing within ten (10) days.
2. If the employee remains unsatisfied, they may appeal the Department Head's decision, in writing, to the Town Administrator, within ten (10) working days after the date they receive or should have received a response from their Department Head. The appeal should state whether it is based on the untruthfulness of the facts that supported the disciplinary action, the inappropriateness, or excessive severity of the action, or both. Upon receipt, the Town Administrator will then have ten (10) working days to consider the appeal and render a decision in writing to the employee or may choose to submit the appeal to the Town Council, whose decision shall be final. If the employee's direct supervisor is the Town Administrator, or if the disciplinary action is a **termination of employment**, the employee may appeal the Town Administrator's decision to the Town Council, whose decision shall be final.