

KENNEDALE CITY COUNCIL
AGENDA
REGULAR MEETING
September 12, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION - 5:30 PM
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. WORK SESSION

***NOTE: Pursuant to Section 551.071, Texas Government Code, the City Council reserves the right to adjourn into Executive Session at any time during the work session or the regular session to discuss posted executive session items or to seek legal advice from the City Attorney on any item posted on the agenda.**

A. Presentation from the KISD School Health Advisory Council.

B. Policy Governance Overview

1. Youth Advisory Council
2. Board and Commission appointment process
3. Ongoing governance development

C. Revenue Rescue discussion within fire-rescue-hazmat services

III. REGULAR SESSION

IV. ROLL CALL

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State under God; One and Indivisible."

VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the City Council not scheduled on the Agenda may speak, provided that an official 'Visitor/Citizen Request to Speak' Form has been completed and submitted to the City Secretary prior to the start of the meeting. All comments must be directed towards the Council as a whole, rather than individual councilmember's or staff. All speakers must

limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action can be taken on these items.

IX. REPORTS/ANNOUNCEMENTS

In addition to any specific matters listed below, the city council may receive a report about items of community interest, including but not limited to recognition of individual officials, citizens or departments, information regarding holiday schedules, upcoming or attended events, etc.

- A. Updates and information from the Mayor.
- B. Updates and information from Councilmember's.
- C. Updates and information from the City Manager.

X. CONSENT ITEMS

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are considered to be routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately.

- A. Consider approval of minutes from August 9, 2012 regular meeting.
- B. Consider authorizing the City Manager to sign an amended interlocal agreement renewal with Tarrant County for the Little School Road Project.
- C. Consider authorizing the City Manager to sign an amended interlocal agreement renewal with Tarrant County for the Sublett Road Project.
- D. Consider authorizing the City Manager to sign an interlocal agreement with Tarrant County for the reconstruction of Kenney Street.
- E. Consider authorizing the City Manager to sign an interlocal agreement with Tarrant County for the reconstruction of Sulphur Street.
- F. Consider resolution establishing energy conservation goals as required by Texas Health and Safety Code.

XI. REGULAR ITEMS

- A. Public hearing to receive input on the Fiscal Year 2012-2013 Proposed Budget.
 - 1. Staff Presentation
 - 2. Public Hearing
 - 3. Staff Response and Summary
- B. Discuss and consider an ordinance amending the city's schedule of administrative fees.
- C. Consider authorizing the City Manager to execute a new contract with Intermedix for emergency medical service billing.
- D. Review draft concept plan for the Oak Crest area and consider sending the plan to the Planning

and Zoning Commission for review and adoption.

- E. Public hearing on Case # PZ 12-02, a request by Cynthia Sasedor for a zoning change from "C-1" Restricted Commercial and "R-2" Single Family Residential to "PD" Planned Development District for approximately 2.5 acres at an unaddressed parcel at Little School Rd and Potomac Pkwy located in the M P Lamar Survey A987, Kennedale, Tarrant County, Texas. *(This application has been withdrawn by the applicant and no action will be taken at this time)*
- F. Public Hearing on Case PZ 12-03, to consider action on an ordinance prohibiting the development of gated communities by amending the subdivision regulations of the City of Kennedale.
 - 1. Staff Presentation
 - 2. Public Hearing
 - 3. Staff Response and Summary
 - 4. Action by the City Council
- G. Consider adopting standard parliamentary procedures and implementing those procedures for all city boards and commissions.
- H. Consider amendments to the Arts and Culture Advisory Board Ordinance.
- I. Consider appointments to the Arts and Culture Advisory Board.
- J. Consider appointments to the Board of Adjustment/Building Board of Appeals.
- K. Consider casting votes for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election.
- L. Consider approving updates to the City of Kennedale Employee Handbook.

XII. EXECUTIVE SESSION

- A. The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion on any item posted on the agenda and legal issues regarding amortization of nonconforming uses.
 - 1. Consultation with city attorney regarding amortization.
 - 2. Consultation with city attorney regarding TIRZ conflict of interest.
- B. The City Council will meet in closed session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property for the following:
 - 1. 1125 W Kennedale Parkway

XIII. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

XIV. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending City Council meetings. This building is wheelchair accessible, and parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meetings. Please contact Amethyst Cirno, City Secretary, at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the September 12, 2012, agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.

A handwritten signature in cursive script that reads "Amethyst G. Cirno". The signature is written in black ink and is positioned above a horizontal line.

Amethyst G. Cirno, City Secretary

Date: September 12, 2012

Agenda Item No: WORK SESSION - A.

I. Subject:

Presentation from the KISD School Health Advisory Council.

II. Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

III. Summary:

The SHAC members of Kennedale ISD performed a walkability study to identify problems in school neighborhoods that could affect pedestrian traffic or be unsafe to students. SHAC found a few problem areas that we would like to alert the Council Members of the City of Kennedale.

The purpose of SHAC is to provide recommendations on school health and safety as necessary to be in compliance with state and federal law and as beneficial to the students of the district.

SHAC mission is to promote school practices and policies that will improve and maintain the health and wellness of its students, faculty, and community members. This council is made up of a parent representative from each school in KISD, a school counselor, physical educator, school nutrition services representative, health educator, school administrator/school board member, nurse working with the school, and community members.

The SHAC members performed a walkability study to identify problems in school neighborhoods that could affect pedestrian traffic or be unsafe to students. SHAC found a few problem areas that we would like to alert the Council Members of the City of Kennedale.

- JA Arthur Intermediate:
 - One way signs that are confusing and not abided by.
 - Flashing lights indicating school zone are needed.
 - Neighborhoods with many cars parked along the street without sidewalks.
 - Patterson Elementary:
- No safety factors identified as needed
 - Delaney Elementary:
- No flashing light indicating school zone
 - Kennedale Junior High:
- Sidewalks are broken and cracked or nonexistent leading to the neighborhoods
 - Crosswalks are needed for student safety

- Kennedale High School:
 - Crosswalk across Wildcat Way

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: September 12, 2012

Agenda Item No: WORK SESSION - B.

I. Subject:

Policy Governance Overview

1. Youth Advisory Council
2. Board and Commission appointment process
3. Ongoing governance development

II. Originated by:

Bob Hart, City Manager

III. Summary:

The mayor requested a discussion of governance and the frequency of meetings required to consider and develop policy. A PowerPoint presentation has been prepared to outline the essential elements of policy governance. The PowerPoint is included in the packet. Additionally, the development of policy can be improved through shared readings and education; hence, two books are included in your packet – ***Good to Great and the Social Sector*** (Collins) and ***The Five Most Important Questions You Will Ever Ask About Your Organization*** (Drucker).

The PowerPoint discussion is intended to lead into a discussion about the role of the Youth Advisory Council and the board and commission appointment process.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

1.	Governance	Policy Governance Overview .pdf
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POLICY GOVERNANCE OVERVIEW



AGENDA

- Challenges of Municipal Governance and Elected Service
- Overview Policy Governance (Carver Model)
- Benefits of Policy Governance for Cities
- Questions and Answers

CHALLENGES OF ELECTED OFFICIALS

- High Expectations
- Critical and difficult role
- Roles & responsibilities are poorly defined
- Little or no training or preparation
- Few measurements to define success
- Elected officials want to “do” and make a difference



TYPICAL "GOVERNANCE" PROBLEMS

- Lack of proper focus and forward (future) direction
- Lack of role of clarity
- Council loses control of its agenda & its distinct role
- City Manager loses control of management responsibilities
- Reactive, backward looking, "fix-it" orientation



THE "WORK" OF THE CITY COUNCIL

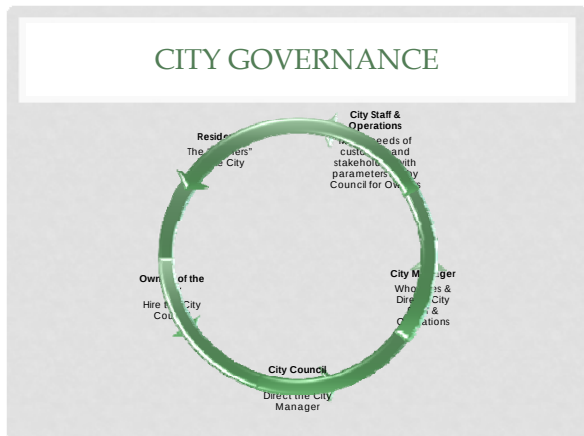
- Work for the Owners (residents)
- Determine the desired ends/ results for the City
- Ensure adherence to City Charter and/or other established policies
- Establish/revise policies to guide and direct the governance of the City



THE "WORK" OF THE CITY COUNCIL

- Link with Owners to represent their interests
- Hire and supervise its one employee: City Manager
- Monitor effective management of City and assure CM performance
- Act as the "trustee" of City's money and resources
- Evaluate resources consumed vs. benefits gained





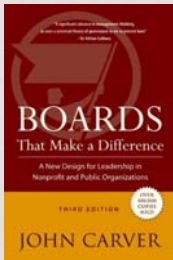
EXISTING GOVERNANCE POLICIES- RULES

- Texas and U.S. Constitution
- City Charter
- Comprehensive Plan
- Budget
- Adopted Ordinances



POLICY GOVERNANCE: A MODEL

- Created by John Carver
- Used by hundreds of elected bodies, non-profits, and organizations
- Policy based governance model that more clearly defines the role of the elected officials and CEO
- Separates organizational purpose (ENDS) from organizational administration (MEANS)

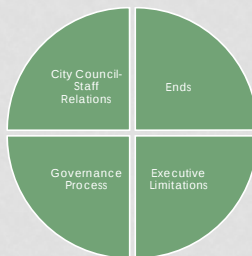


CITY COUNCILS ROLE IN POLICY GOVERNANCE

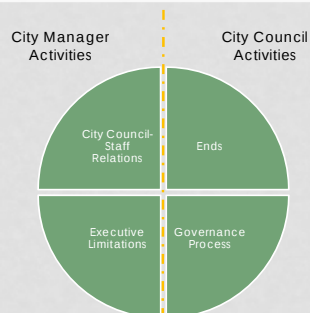
- Linkage with Owners
- Define explicit policies about:
 - Ends (Results)
 - Executive Limitations
 - Council-Staff Relationships
 - Governance
- Assures executive performance
- Evaluates costs vs. benefits



POLICIES FALL INTO 4 QUADRANTS



POLICIES FALL INTO 2 WORK AREAS



BENEFITS OF CLEAR ENDS POLICIES

- Allows City Council to provide vision and strategic leadership
- Council focuses on “what and why” of City operations
- Manager & staff focus on “who, how, when, & at what cost”



ENDS POLICIES = DESIRED RESULTS

- Desired results/outcomes of City services for the “owners”
- Owners = Residents
- Provide clear and tangible results that are measurable to assure performance of CMS
- Should be written as if you have already succeeded
- Should define:
 - What benefit?
 - For whom?
 - At what cost?



END POLICIES CONT'D

- Determining desired ends, results and organizational goals of your city is the most important job of the City Council
- Cities do not exist to “try” or to perform “outputs”
- City Manager determines the “Means” to the “Ends”

GLOBAL OR "OVERARCHING" END POLICY

- State the purpose of the organization
- Broad and Long-range perspective
- Must be done prior to creation of narrower ends policies



OVERARCHING ORGANIZATIONAL RESULT CITY OF KENNEDALE

Kennedale is a family-oriented community providing a refuge from the hectic pace of the Dallas - Fort Worth Metroplex. Open spaces, green belts, and trails enhance our serenity, quality of life and community. With easy access from major roadways, Kennedale is economically prosperous, business friendly and conveniently located, providing opportunities to shop, work and play.

END POLICIES TO DEVELOPED

- Family-Oriented Community
- Open spaces, green belts, and trails
- Quality of life
- Sense of community
- Economically prosperous
- Business friendly
- Opportunities to shop, work, and play

SETTING ENDS (RESULTS)

- Must be observable & measurable
- Start broadly & become specific
- Help to define priorities: core, important, and discretionary



EXECUTIVE LIMITATIONS POLICY:

- Explicit policy statements of what the City Manager is **NOT** permitted to do
- Anything not prohibited in EL Policies may be done by CM in pursuit of Council Ends



EXAMPLE OF EXECUTIVE LIMITATION POLICY: COMMUNICATION

With respect to providing information and counsel to the City Council, the City Manager may not permit the Council to be uninformed. Accordingly, he or she may not:

1. Let the Council be unaware of relevant trends, anticipated adverse media coverage, material external and internal changes, particular changes in assumptions upon which any council policy has previously been established.
2. Fail to submit the required monitoring data (see policy on understandable fashion, directly addressing provisions of the Council policies being monitored.
3. Fail to marshal as many staff and external points of view, issues, and options as needed for fully informed Council choices, particularly with respect to staff opinions on matters of material importance.

EXAMPLE OF EXECUTIVE LIMITATION POLICY: COMMUNICATION

4. Present information in unnecessarily complex or lengthy form.
5. Fail to provide a mechanism for official Council, officer, or committee communications.
6. Except for fulfilling individual requests for information, fail to deal with the Council as a whole.
7. Fail to report actual or anticipated noncompliance with any policy of the Council.
8. Fail to provide Council with sufficient information to gain an understanding of the local financial condition (such as tax base trends, etc.).

COUNCIL – STAFF RELATIONS POLICY

- Delegation of authority to City Manager and through him/her to staff
- Defines how City Council and City Manager will operate with each other
- City Manager reports ONLY to full City Council
- City Council directs City Manager ONLY
- City Manager evaluated on ONLY two criteria:
 1. Achievement of (City Council prescribed) Ends
 2. Avoidance of Violations of Executive Limitations

EXAMPLE OF COUNCIL STAFF RELATIONS POLICY- “UNITY OF CONTROL”

Only decisions of the City Council acting as a body are binding on the City Manager and City Attorney

- Decisions, instructions, or directives of individual Councilmembers are not binding on the City Manager or City Attorney except when the City Council has specifically authorized such exercise of authority
- In seeking clarification on informational items, Councilmembers may directly approach professional staff members to obtain information needed to supplement, upgrade or enhance their knowledge to improve Council decision-making. Any Councilmember requests that require substantive work should come before the Council for direction.
- If the Councilmember request information or assistance without Council authorization, the City Manager or City Attorney may decline such requests that require a material amount of staff time or funds, or are disruptive and refer the request to the full Council for authorization to proceed. The City Manager and the City Attorney have the right to decline and refer such requests to the Council so long as all members of Council are treated the same in this respect.

GOVERNANCE PROCESS POLICIES

- Establishes how the Council will operate as one entity
- Establishes standards of behavior, roles, and commitments and code of ethical behaviors
- Defines City Council's job descriptions, and ground rules



GOVERNANCE PROCESS POLICY: GOVERNING STYLE

The Council will approach its task with a style which emphasizes outward vision rather than an internal preoccupation, strategic leadership more than administrative detail, clear distinction of Council and staff roles, further rather than past or present, and proactively rather than reactivity. In this spirit, the Council will:

1. Direct, control, and inspire the organization through the careful establishment of the broadest organizational values and perspectives (policies)
2. Focus chiefly on impacts on the city outside the organization (ends), not on the administrative or programmatic means of attaining those effects.

GOVERNANCE PROCESS POLICY: GOVERNING STYLE

3. Enforce upon itself and its members discipline to govern with excellence, in such matters as policymaking, role clarification, speaking with one voice and self-policing of any tendency to stray from governance adopted in Council policies
4. Be accountable to the general public for competent conscientious and effective accomplishment of its obligations as a body. It will allow no officer, individual or committee of the Council to usurp this role or hinder this commitment.
5. Monitor and regularly discuss the Council's own process and performance. Insure the continuity of its governance capability by retraining and redevelopment.
6. Be an initiator of policy, not merely a reactor to staff initiatives. The Council, not the staff will be responsible for Council performance.
7. Ensure that the agenda process is driven by Council directions and initiatives.

COUNCIL'S ROLE IN CREATING & MONITORING CITY GOVERNANCE POLICIES

Council determines:

- Policy content & changes to established policies
- Method of monitoring (internal, external, direct inspection)
- Frequency of monitoring
- Evaluates City Manager performance on policies

MONITORING PROCESS

Every policy monitored by pre-determined process on pre-determined schedule

- Internal or external reports
- Direct inspections
- City Council self-assessment



MONITORING MEASURES WHAT THE CITY HOPES TO ACCOMPLISH IN SUCCESSFULLY SERVING COMMUNITY



BENEFITS AND PRINCIPLES OF POLICY GOVERNANCE

BENEFITS OF POLICY GOVERNANCE

- Allows City Council to provide vision and strategic leadership
- Council focuses on “what and why” of City operations through ends policies that define success
- Manager & staff focus on “who, how, when, & at what cost”

BENEFITS OF POLICY GOVERNANCE

- Council controls Manager and staff by creating monitoring policies
- Provides clarity of roles and expectations
- Reduces City Council/City Manager conflict
- Aligns City resources of with operations priorities (core, important, discretionary)
- Improves relationship and accountability with residents by defining expectations for performance of both Council and staff



SUMMARY

10 PRINCIPLES OF POLICY GOVERNANCE

1. The City Council establishes its own rules & culture-by policy
2. The City Council is trustee for the "owners" (residents)
3. Central duties of the City Council: determine desired ends/results link with Owners
4. All important City Council expectations & decisions should be embedded in formal policy
5. Policy should be formulated by determining the broadest values

10 PRINCIPLES OF POLICY GOVERNANCE

6. The Council should define and delegate, not react and ratify
7. The Council speaks with one voice
8. The City Council seeks to create a relationship with management that is empowering and safe
9. The City Council's role in managing operations is through boundaries established through Executive Limitations & Council/Staff relations policies
10. City manager Performance must be monitored rigorously, against established policy criteria

THREE DIRECT PRODUCTS OF A BOARD MEMBER

1. The board's first direct product is the organization's linkage to the ownership.
2. The board's second direct product is explicit governing policies.
3. The board's third direct product is assurance of executive performance.



RESPONSIBILITIES OF A BOARD MEMBER

1. Be prepared to participate responsibly
2. Remember your identity is with the ownership, not the staff
3. Represent the ownership, not a single constituency
4. Be responsible for group behavior and productivity
5. Be a proactive board member
6. Honor divergent opinions without being intimidated by them
7. Support the board's final choice
8. Don't expect agendas to be build on your interests
9. The organization is not there for you
10. Support the chair in board discipline

DUTIES OF BOARD MEMBERS

- Provide a valuable link to the community and to the various interests that make up the community
- Assist in the development of policy recommendations to the City Council
- Provide leadership and support to City staff
- Promote the City and its programs
- Provide expertise in specialized areas

BOARD SELF-ASSESSMENT

- The primary purpose of evaluation is not to reward or punish but to achieve continual improvement in performance.
- Self-evaluation is most meaningful when related to established expectations.
- Board self-evaluation is an inseparable part of governing, not an extraneous or optional task.
- Self-evaluation is continual rather than sporadic activity.
- Board self-evaluation is the responsibility of the board- not the staff.



BOARD AND COMMISSION PURPOSE

Principle-

Advisory boards are an extension of the City Council to advise on the ends issues.

Date: September 12, 2012

Agenda Item No: WORK SESSION - C.

I. Subject:

Revenue Rescue discussion within fire-rescue-hazmat services

II. Originated by:

III. Summary:

Meredith Doty, Client Services Manager, Intermedix, the city's EMS billing company will be present to discuss "Revenue Rescue," a fire-rescue-hazmat billing service. This item is for information purposes only and is based on discussions held during the budget process.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

1.	Revenue Rescue Policies	09_12_2012 Revenue Rescue Billing Policies Ssat555-km612082316201.pdf
2.	Revenue Rescue Price List	09_12_2012 Revenue Rescue Price Lists Ssat555-km612082316200(2).pdf

Intermedix – Revenue Rescue

Billing Policies Questionnaire

Client Name:

This questionnaire is designed to customize your billing program and ensure smooth processing of your accounts. We have separated this questionnaire into three sections: Personal Motor Vehicle Incidents (collisions, fires, hazmats), Commercial Motor Vehicle Collisions, and Structure Fires.

Things to remember: Insurance companies know when you do not direct bill individuals. They will begin denying more of your invoices if you do not hold at fault individuals (their insured) responsible for these fees.

In reviewing our years of experience, we have determined a Best Practices Billing Policy that maximizes revenue. We've marked the preferred options for best collection results with an asterisk (*) below.

Do you wish to Direct Bill Residents of your City/Town?

- ☐ YES
- ☐ NO

If your City/Town has a different name than your Department, please specify which Cities/Towns are considered your Residents:

We highly recommend you bill EVERYONE'S insurance and hold at fault entities responsible for payment of these fees. If your City does not wish to direct bill individuals within the city limits or a certain area, or not for residential structure fires, please specify the DO NOT DIRECT BILL AREA HERE:

Direct Bill Individuals – we send an invoice every 30 days for three months to the driver/owner of the vehicle/property. If they do not respond after 120 days, the account is written off and returned to you.

Personal Motor Vehicles, Collisions and Fires:

If your submission contains no insurance information or the information provided is invalid or inaccurate, you want to:

1. Mail a Request for Insurance Information Letter to the Driver or Vehicle Owner
2. Direct Bill the Driver or vehicle owner *
3. Discontinue Activity

If you ask us to mail a Request for Insurance Information and we do not receive a response, you want to:

1. Direct Bill the Driver or Vehicle Owner *
2. Discontinue Activity

If we contact the insurance and determine that no claim has been filed after 21 days, you want to:

1. Direct Bill the Driver or Vehicle Owner *
2. Discontinue Activity

If insurance makes partial payment (typical in PA, OH), you want to:

1. Direct Bill the balance to Driver or Vehicle Owner *
2. Discontinue Activity

If Insurance denies payment in its entirety, you want to:

1. Direct Bill the Driver or Vehicle Owner *
2. Discontinue Activity

Commercial Vehicle Incidents: Please keep in mind most commercial transport companies are self-insured. This means they have insurance however they handle all claims in house and very rarely actually file a claim. We treat commercial companies the same as insurance companies – we call and follow up until the invoice is paid or a written denial is received.

Your submission does not contain insurance information or the information provided is invalid or inaccurate, you want to:

1. Mail a Request for Insurance information (not recommended)
2. Direct Bill the Vehicle Owner/Commercial Company *
3. Discontinue Activity

If you ask us to mail a Request for Insurance Information and we do not receive a response, you want to:

1. Direct Bill the Vehicle Owner/Commercial Company *
2. Discontinue Activity

We contact the insurance company and determine no claim has been filed or the company is self-insured, you want to:

1. Direct Bill the Vehicle Owner/Commercial Company *
2. Discontinue Activity

If there is a claim and insurance denies payment or makes a partial payment, you want us to:

1. Direct Bill the Driver or Vehicle Owner *
2. Discontinue Activity

Structure Fires: Please keep in mind that most Homeowner's and Commercial Structure Policies have Policy Limits in place for Fire Department services that range from \$100 to \$500 for residential property and \$1000 and up for commercial property. This is the only amount you will receive from insurance.

Your submission does not contain insurance information or the information provided is invalid or inaccurate, you want to:

1. Mail a Request for Insurance information to the property owner *
2. Direct Bill the Property Owner
3. Discontinue Activity

If you ask us to mail a Request for Insurance Information and we do not receive a response, you want to:

1. Direct Bill the Property Owner *
2. Discontinue Activity

If we contact the insurance and determine that no claim has been filed after 21 days, you want to:

1. Direct Bill the Property Owner *
2. Discontinue Activity

If insurance makes partial payment of the Policy Limit, you want to:

1. Direct Bill the balance to the Property Owner
2. Discontinue Activity *

If Insurance denies payment in its entirety, you want to:

1. Direct Bill the Property Owner
2. Discontinue Activity *

Client Contact Name:

Signature:

Date:



REVENUE RESCUE.COM PRICING WORKSHEET

DEPARTMENT NAME:

Phone#:[illegible]

SELECT FIRE EQUIPMENT LOW HIGH LIST YOUR PRICE

	FOAM NOZZLE	\$55.00	\$74.00	
	FOAM EDUCTOR	\$50.00	\$68.00	
	AFFF FOAM PER GALLON	\$37.50	\$52.00	
	CLASS A FOAM PER GALLON	\$22.00	\$30.00	
	PIERCING NOZZLE	\$40.00	\$54.00	
	M/S FOG NOZZLE	\$55.00	\$75.00	
	M/S STRAIGHT BORE NOZZLE	\$30.00	\$40.00	
	SALVAGE COVER	\$28.00	\$38.00	
	SCBA PACK	\$85.00	\$105.00	
	SCBA BOTTLE	\$20.00	\$50.00	
	HALL RUNNER	\$18.00	\$24.00	
	PORTABLE TANK	\$75.00	\$100.00	
	PPV FAN P/HR	\$55.00	\$75.00	
	GENERATOR PORTABLE P/HR	\$55.00	\$75.00	
	GENERATOR P/HR	\$55.00	\$75.00	
	CHAIN SAW P/HR	\$45.00	\$60.00	
	WATER EXTINGUISHER	\$22.00	\$31.00	
	DRY CHEMICAL EXTINGUISHER	\$45.00	\$60.00	
	CO2 EXTINGUISHER	\$45.00	\$60.00	
	SCENE LIGHTS	\$22.00	\$30.00	
	PORTABLE PUMP P/HR	\$95.00	\$120.00	
	FLOAT PUMP P/HR	\$65.00	\$90.00	
	WATER VESTS	\$30.00	\$45.00	
	HEAT DETECTION GUN	\$75.00	\$100.00	
	THERMAL IMAGING CAMERA	\$75.00	\$100.00	
	SAWZALL	\$55.00	\$75.00	
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SELECT HAZMAT EQUIPMENT LOW HIGH LIST YOUR PRICE

	ABSORBENT PER BAG	\$17.00	\$20.50	
	ABSORBENT PADS	\$1.00	\$2.50	

	ABSORBENT BOOMS	\$35.00	\$45.00	
	TOP SOL	\$35.00	\$45.00	
	DISPOSABLE COVERALLS	\$22.00	\$35.00	
	NEOPRENE GLOVES	\$17.50	\$25.00	
	LATEX GLOVES	\$6.00	\$8.50	
	OVER BOOTS	\$22.00	\$30.00	
	DISPOSABLE GOGGLES	\$14.00	\$25.00	
	GAS PLUG KIT	\$50.00	\$75.00	
	PLUG AND DIKE	\$65.00	\$95.00	
	DRUM LINERS	\$10.00	\$12.50	
	BARRICADE TAPE PER ROLL	\$22.00	\$25.00	
	POLY SHEETING	\$55.00	\$65.00	
	REMOVAL OF HAZMAT	\$150.00	\$175.00	
	DISPOSAL OF HAZMAT	\$150.00	\$175.00	
	GAS MUTLIMETER	\$65.00	\$85.00	
	CO METER	\$65.00	\$85.00	
	TERRAZYME	\$70.00	\$90.00	
	MICROBLAZE PER QUART	\$7.50	\$10.50	
	MICROBLAZE PER 5 GALLON	\$120.00	\$150.00	
	OTHER:			

	OTHER:			
	OTHER:			
	OTHER:			
	OTHER:			

SELECT RESCUE EQUIPMENT LOW HIGH LIST YOUR PRICE

	SPREADERS	\$250.00	\$350.00	
	CUTTERS	\$250.00	\$350.00	
	RAMS	\$250.00	\$350.00	
	AIR BAGS	\$250.00	\$350.00	
	K-12 SAW	\$55.00	\$75.00	
	TARGET SAW	\$55.00	\$75.00	
	AJAX TOOL	\$22.00	\$28.00	
	K-TOOL	\$22.00	\$28.00	
	WINDSHIELD TOOL	\$12.50	\$17.50	
	RESCUE BLANKET	\$30.25	\$38.00	
	CRIBBING PER VEHICLE	\$25.00	\$50.00	
	CRIBBING PER INCIDENT	\$75.00	\$150.00	
	STOKES BASKET	\$25.00	\$75.00	
	RESCUE ROPE	\$25.00	\$45.00	
	OTHER:			
	OTHER:			
	OTHER:			
	OTHER:			

SELECT MISC FIRE ITEMS LOW HIGH LIST YOUR PRICE

	DISPATCH FEE FIRE	\$50.00	\$85.00	
	INVESTIGATOR	\$150.00	\$200.00	
	INSPECTOR	\$150.00	\$200.00	
	COLLISION INVESTIGATION ONLY	\$175.00	\$325.00	
	UNAUTHORIZED CONTROL BURN FEE	\$100.00	\$450.00	
	FALSE ALARM FEE	\$75.00	\$300.00	
	ASSIST MEDICAL TREATMENT ON SCEN	\$0.00	\$100.00	
	EXTRICATION PROVIDED	\$0.00	\$0.00	
	MAJOR	\$150.00	\$300.00	
	MINOR	\$75.00	\$150.00	
	ROADWAY CLEANUP NON HAZMAT	\$0.00	\$100.00	

Date: September 12, 2012

Agenda Item No: REPORTS/ANNOUNCEMENTS - A.

I. Subject:

Updates and information from the Mayor.

Updates and information from Councilmembers.

Updates and information from the City Manager.

II. Originated by:

City Council, City Council

III. Summary:

Council and the City Manager will present any information and updates at this time.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: September 12, 2012

Agenda Item No: CONSENT ITEMS - A.

I. Subject:

Consider approval of minutes from August 9, 2012 regular meeting.

II. Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

III. Summary:

Please see the attached minutes.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	minutes	08.09.2012 CC Minutes.doc
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KENNEDALE CITY COUNCIL
MINUTES
REGULAR MEETING
August 9, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

Mayor Clark called the meeting to order at 5:35 PM.

II. WORK SESSION

Present Frank Fernandez, John Clark (Not Voting), Kelly Turner, Liz Carrington, Charles Overstreet
Brian Johnson arrived at 5:50 PM.

A. Announcement of Kennedale Library's summer reading program winners.

Mayor Clark announced the winners and presented them with certificates.

B. Effective Tax Rate & Rollback Tax Rate Summary.

Bob Hart noted that as our effective tax rate is less than it was last year, and that the City Council would not need to hold additional special meetings related to that issue.

C. Review applications for board and commission appointments.

Applicants Ronald Whitley, Darrell Dixon, Jeffrey Nevarez, LaCresha Sanders, Laurie Sanders, Martin Young, Michael Herring, Rachel Rogers, Rebecca Clark, Pat Turner, approached the council to interview for various boards and commissions.

III. REGULAR SESSION

Mayor Clark called the regular session to order at 7:00 PM.

IV. ROLL CALL

Roll Call

Present Frank Fernandez, John Clark (Not Voting), Brian Johnson, Kelly Turner, Liz Carrington, Charles Overstreet

V. INVOCATION

VI. UNITED STATES PLEDGE

VII. TEXAS PLEDGE

"Honor the Texas Flag; I Pledge Allegiance to Thee, Texas, One State under God; One and Indivisible."

VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

1. Billie Evans of 824 Mansfield Cardinal Road approached the council regarding construction near her property. She handed out a packet of past emails and correspondence regarding retaining walls, grass, and fencing issues on her property.
2. Felipe Gutierrez of 402 Pennsylvania Ave approached the council to relate information related to Art in the Park and the recent Texas Events and Festivals conference that he attended.
3. Jesse Elizondo, Executive Director of the Kennedale Chamber of Commerce, approached the council to announce that the Kennedale Kar Show would be held on September 8th.
4. Bill Atchley approached the council and asked that council consider continuing to use current of trash collection and not move to different refuse containers as other neighboring communities have done.

IX. REPORTS/ANNOUNCEMENTS

In addition to any specific matters listed below, the city council may receive a report about items of community interest, including but not limited to recognition of individual officials, citizens or departments, information regarding holiday schedules, upcoming or attended events, etc.

Brian Johnson welcomed city attorney Wayne Olson back from his recent trip to France.

Mayor Clark reported news from a recent Mayors' Council discussion related to implementation of a new emergency weather early warning system. The region currently uses Nexrad and may be moving to the new system, CASA, which samples more areas of the atmosphere than the current system. The costs associated with this new system will be discussed in future months.

X. CONSENT ITEMS

- A. Consider approval of minutes from regular meeting dated July 12, 2012.

Motion Approve the consent agenda as presented. , **Action** Approve, **Moved By** Liz Carrington, **Seconded By** Frank Fernandez
Motion Passed Unanimously

XI. REGULAR ITEMS

- A. CASE # PZ 12-02, a request by Cynthia Sasedor for a zoning change from "C-1" Restricted Commercial and "R-2" Single Family Residential to "PD" Planned Development District for approximately 2.5 acres at an unaddressed parcel at Little School Rd and Potomac Pkwy located in the M P Lamar Survey A987, Kennedale, Tarrant County, Texas. Staff Presentation

Rachel Roberts approached the council, noting that the applicant had asked the case to be postponed.

Motion To table case PZ 12-02., **Action** Table, **Moved By** Brian Johnson, **Seconded By** Liz Carrington
Motion Passed Unanimously

- B. Case PZ 12-03, to hold a public hearing and consider action on an ordinance prohibiting the

development of gated communities by amending the subdivision regulations of the City of Kennedale.

1. Staff Presentation

Rachel Roberts approached the council, noting that many of the benefits touted by gated communities have not panned out. They have not proven to be safer and have also proven to have detrimental effect on public health and community connectivity.

2. Public Hearing

Mayor Clark opened the public hearing. No one signed up to speak and the public hearing was closed.

3. Staff Response and Summary

No response was necessary.

4. Action by the City Council

The council deliberated the issue and decided that further information was necessary to make a decision.

Motion To table case PZ 12-03., **Action** Table, **Moved By** Brian Johnson, **Seconded By** Kelly Turner
Motion Passed Unanimously

C. Consider Ordinance 508, establishing the Board of Adjustment as the Building Board of Appeals.

This ordinance will allow for one group to serve as both boards.

This ordinance has been renumbered to 507.

Motion To approve the Ordinance 507 as presented. , **Action** Approve, **Moved By** Brian Johnson ,
Seconded By Frank Fernandez
Motion Passed Unanimously

D. Consider appointments to the Board of Adjustment.

Motion To appoint Lana Sather and Donald Rawe as regular members, and to appoint Billy Vester and Jeff Nevarez as alternates., **Action** Approve, **Moved By** Liz Carrington , **Seconded By** Kelly Turner
Ayes (2): Liz Carrington, Kelly Turner
Nays (3): Frank Fernandez, Brian Johnson, Charles Overstreet
The motion failed. (2-3).

Motion To appoint the current alternates, Jeff Madrid and Darrell Dixon, to the two vacant seats.,
Action Approve, **Moved By** Frank Fernandez , **Seconded By** Brian Johnson
Ayes (3): Frank Fernandez, Brian Johnson, Charles Overstreet
Nays (2): Liz Carrington, Kelly Turner
The motion passed (3-2).

Motion to reappoint Rick Adams to his current seat. , **Action** Approve, **Moved By** Brian Johnson ,
Seconded By Charles Overstreet
The motion passed unanimously

Motion To table the remaining appointments and potential reappointments until further discussion is had. , **Action** Approve, **Moved By** Kelly Turner , **Seconded By** Liz Carrington

The motion passed unanimously

E. Consider appointments to the Building Board of Appeals.

This item was taken care of through the vote on item XI-D.

F. Consider appointments to the Library Advisory Board.

Motion To reappoint Rebecca Clark to Place 4, and to move current member Sharon Dehnel from Place 6 (alternate) to the vacant Place 2 (regular). , **Action** Approve, **Moved By** Brian Johnson , **Seconded By** Kelly Turner
The motion passed unanimously.

G. Consider appointments to the Arts and Culture Advisory Board.

Motion To table the item until the ordinance has been adjusted , **Action** Approve, **Moved By** Brian Johnson , **Seconded By** Charles Overstreet
The motion passed unanimously.

H. Consider appointments to the Parks and Recreation Advisory Board.

Motion To reject the request for reappointment by David Smith for Place 2, and to move Stephen Brim from Place 6 (alternate) to Place 2 (regular) , **Action** Approve, **Moved By** Liz Carrington , **Seconded By** Kelly Turner
The motion passed unanimously.

Motion To reappoint Donna Gerron to Place 4 , **Action** Approve, **Moved By** Kelly Turner , **Seconded By** Liz Carrington
The motion passed unanimously.

Motion To appoint Alan Pederson to the vacancy in Place 6 created by moving Stephen Brim to Place 2 , **Action** Approve, **Moved By** Brian Johnson , **Seconded By** Kelly Turner
The motion passed unanimously.

I. Consider appointments to the Keep Kennedale Beautiful Commission.

Motion To appoint Laurie Sanders to Place 8 (alternate), and to reappoint LaCresha Sanders to Place 2, Michael Chandler to Place 4, and Rachel Rogers to Place 6 , **Action** Approve, **Moved By** Kelly Turner , **Seconded By** Liz Carrington
The motion passed unanimously.

J. Consider appointments to the Planning and Zoning Commission.

Motion To reappoint Thomas Pirtle and Ernest Harvey as regular members , **Action** Approve, **Moved By** Kelly Turner , **Seconded By** Liz Carrington
The motion passed unanimously.

Motion To move both Michael Herring and Carolyn Williamson from an alternate members to regular members , **Action** Approve, **Moved By** Brian Johnson , **Seconded By** Charles Overstreet
The motion passed unanimously.

Motion To appoint Martin Young and Donald Rawe as alternates , **Action** Approve, **Moved By** Charles

Overstreet, **Seconded By** Liz Carrington
The motion passed unanimously.

K. Consider awarding the bid for health, dental, vision, life and AD&D, and voluntary life insurance and authorize the City Manager to sign the agreements

Kelly Cooper approached the board, noting that there was a 5% decrease in the renewal. The city will remain with the same plans as last year.

Motion To authorize the City Manager to sign contracts awarding the bids for bid for health, dental, vision, life and AD&D, and voluntary life insurance **Action** Approve, **Moved By** Liz Carrington , **Seconded By** Charles Overstreet
The motion passed unanimously.

L. Consider awarding bids for sale of city land at the following locations:

- 5411 Kennedale Parkway, Tr 32B01 A1376, Strickland, David Survey
- 600 W Kennedale Parkway, Lot 8 Block 1, Woodlea Acres Addition
- 1083 Bowman Springs Road, Lot 19R Block 1, Woodlea Acres Addition
- 830 W Kennedale Parkway, Lot 8 Block 4, Oak Crest Addition
- 201 N New Hope Road, Lot 3&4 Block 44, City of Kennedale Addition

Bob Hart noted that the city received one bid, from the Economic Development Corporation, for the first four properties on the list. The bids included a promise to revert proceeds from eventual sale of this land back to the city.

201 New Hope was bid on by Living Waters Baptist Church, who would like to swap this land/building for approximately two acres of property further south on New Hope Road and \$10,000.

Motion To approve the sale of 5411 Kennedale Parkway, 600 W Kennedale Parkway, 1083 Bowman Springs Road, and 830 W Kennedale Parkway, to the Economic Development Corporation. **Action** Approve, **Moved By** Brian Johnson , **Seconded By** Frank Fernandez
The motion passed unanimously.

M. Consider Ordinance 509, authorizing sale of real property located at 201 New Hope Road.

This ordinance has been renumbered as ordinance 508.

Motion To approve Ordinance 508, authorizing the sale of property at 201 New Hope Road. **Action** Approve, **Moved By** Liz Carrington , **Seconded By** Brian Johnson
The motion passed unanimously.

XII. EXECUTIVE SESSION

A. The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion on any item posted on the agenda.

No executive session was held.

XIII. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

XIV. ADJOURNMENT

Motion To adjourn. **Action** Adjourn, **Moved By** Brian Johnson , **Seconded By** Liz Carrington
The motion passed unanimously.

The meeting was adjourned at 8:47 PM.

Date: September 12, 2012

Agenda Item No: CONSENT ITEMS - B.

I. Subject:

Consider authorizing the City Manager to sign an amended interlocal agreement renewal with Tarrant County for the Little School Road Project.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Tarrant County road participation is based on fiscal years. The new fiscal year will begin October 1, 2012; hence, a new agreement is required to cover the cost participation for the completion of Little School Road. Approval of the agreement will permit the city to receive cost reimbursement from the county. The agreement is the standard agreement used by the county for these types of projects.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	little school	Interlocal - Little School.pdf
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BACKGROUND

1. Tarrant County ("COUNTY") and the City of Kennedale ("CITY") entered into an Agreement approved by Tarrant County Commissioners Court Order No. 108359, for the cooperative funding of improvements to Little School Road ("Project") as described in the 2006 Tarrant County Bond Program.
2. The Project is not complete and the COUNTY and the CITY desire to renew the Agreement for the 2013 Fiscal Year.

Therefore, the COUNTY and CITY agree to the following

1. The COUNTY and the CITY renew the Agreement for the COUNTY's 2013 Fiscal Year with the Agreement to expire September 30, 2013 or the completion of the Project as determined by the COUNTY, whichever occurs sooner.
2. The COUNTY and CITY agree to the revised payment schedules.
3. Section II of Agreement is amended as follows:

The services to be provided by the CITY include, but are not limited to, the following:

- A. All as-built total project costs including all construction cost, right-of-way acquisition, planning, engineering, surveying and governmental approval cost (collectively referred to as "Costs").
- B. Construction agreement administration, site review, permitting and inspection;
- C. Interagency cooperation;
- D. A monthly progress report documenting the percent complete for each major component of the project shall be provided to the COUNTY;
- E. CITY will notify the COUNTY on completion of the project; and
- F. CITY will include the following language on all on-site public notice signage:

"This project is funded by the City of Kennedale and the Tarrant County Commissioners Court through the 2006 Tarrant County Bond Program"

4. Section IV of Agreement is amended as follows:

County agrees to reimburse City either \$2,263,450 of its Costs or 50% of its Costs, whichever amount is less. Attachment A incorporated into this agreement by reference sets forth the funding schedule for this reimbursement. However, in the event that the schedule is delayed, the COUNTY is excused from paying until the successful completion of the scheduled phase of the project as reasonably determined by the COUNTY. The CITY will provide certification signed by the CFO or authorized official that the work has been completed and that the funds being requested have been expended.

CITY understands that CITY will be responsible for any other expenses incurred by CITY in performing the services under this agreement.

APPROVED on this day the _____ day of _____, 20____, by
Tarrant County.

Commissioners Court Order No. _____.

**TARRANT COUNTY
STATE OF TEXAS**

CITY

County Judge

Signature

APPROVED AS TO FORM:

***APPROVED AS TO FORM AND
CONTENT:***

District Attorney's Office*

City Attorney

*By law, the District Attorney's Office may only advise or approve agreements or legal documents on behalf of its clients. It may not advise or approve a agreement or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF
\$_____:

Certification of Funds Available as follows:

Fiscal year ending September 30, 2007	\$
Fiscal year ending September 30, 2008	\$
Fiscal year ending September 30, 2009	\$
Fiscal year ending September 30, 2010	\$326,000
Fiscal year ending September 30, 2011	\$786,041
Fiscal year ending September 30, 2012	\$921,127
Fiscal year ending September 30, 2013	\$230,282

**All future years funding is contingent on future debt issuance
and renewal of this contract**

Fiscal year ending September 30, 2014	\$
Fiscal year ending September 30, 2015	\$
Fiscal year ending September 30, 2016	\$

	\$2,263,450

Auditor's Office

ATTACHMENT A

Project Information

City: City of Kennedale
Project Name: Widening of Little School Road

Proposed Project Schedule

	Start Date	Duration (mo)	End Date *
Design:	Mar-2009	18	Sep-2010
ROW Acquisition:	Dec-2009	11	Nov-2010
Utility Relocation:	Oct-2010	6	Apr-2011
Construction:	Feb-2011	19	Sep-2012

- * COUNTY payments by completed phase are contingent upon the COUNTY'S reasonable determination that the work regarding the project phase for which payment is expected is successfully completed, as determined by the COUNTY. COUNTY plans to issue debt for all phases of this project, therefore payment remains contingent on debt issuance in accordance with applicable law.

Once Construction commences, COUNTY payment shall be made by fiscal quarter prorated over the life of the construction but contingent upon reasonable progress in construction as may be determined by the COUNTY.

Proposed County Payment by Phase

Design:	\$326,000
ROW Acquisition:	\$325,479
Utility Relocation:	\$
Construction:	\$1,611,971
County Funding	
Total:	\$2,263,450

Proposed County Payment by Calendar Quarter (SUBJECT TO CHANGE)

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
2007		\$	\$	\$
2008	\$	\$	\$	\$
2009	\$	\$	\$	\$
2010	\$	\$	\$326,000	\$325,479
2011	\$	\$230,281	\$230,281	\$230,281
2012	\$230,282	\$230,282	\$230,282	\$230,282
2013	\$	\$	\$	\$
2014	\$	\$	\$	\$
2015	\$	\$	\$	\$
2016	\$	\$	\$	\$

Date: September 12, 2012

Agenda Item No: CONSENT ITEMS - C.

I. Subject:

Consider authorizing the City Manager to sign an amended interlocal agreement renewal with Tarrant County for the Sublett Road Project.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Tarrant County road participation is based on fiscal years. The new fiscal year will begin October 1, 2012; hence, a new agreement is required to cover the cost participation for the completion of Sublett Road. Approval of the agreement will permit the city to receive cost reimbursement from the county. The agreement is the standard agreement used by the county for these type of projects.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	sublett	Interlocal - Sublett.pdf
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BACKGROUND

1. Tarrant County ("COUNTY") and the City of Kennedale ("CITY") entered into an Agreement approved by Tarrant County Commissioners Court Order No. 108115, for the cooperative funding of improvements to Sublett Road ("Project") as described in the 2006 Tarrant County Bond Program.
2. The Project is not complete and the COUNTY and the CITY desire to renew the Agreement for the 2013 Fiscal Year.

Therefore, the COUNTY and CITY agree to the following

1. The COUNTY and the CITY renew the Agreement for the COUNTY's 2013 Fiscal Year with the Agreement to expire September 30, 2013 or the completion of the Project as determined by the COUNTY, whichever occurs sooner.
2. The COUNTY and CITY agree to the revised payment schedules.
3. Section II of Agreement is amended as follows:

The services to be provided by the CITY include, but are not limited to, the following:

- A. All as-built total project costs including all construction cost, right-of-way acquisition, planning, engineering, surveying and governmental approval cost (collectively referred to as "Costs").
- B. Construction agreement administration, site review, permitting and inspection;
- C. Interagency cooperation;
- D. A monthly progress report documenting the percent complete for each major component of the project shall be provided to the COUNTY;
- E. CITY will notify the COUNTY on completion of the project; and
- F. CITY will include the following language on all on-site public notice signage:

"This project is funded by the City of Kennedale and the Tarrant County Commissioners Court through the 2006 Tarrant County Bond Program"

4. Section IV of Agreement is amended as follows:

County agrees to reimburse City either \$1,761,575 of its Costs or 50% of its Costs, whichever amount is less. Attachment A incorporated into this agreement by reference sets forth the funding schedule for this reimbursement. However, in the event that the schedule is delayed, the COUNTY is excused from paying until the successful completion of the scheduled phase of the project as reasonably determined by the COUNTY. The CITY will provide certification signed by the CFO or authorized official that the work has been completed and that the funds being requested have been expended.

CITY understands that CITY will be responsible for any other expenses incurred by CITY in performing the services under this agreement.

APPROVED on this day the _____ day of _____, 20____, by
Tarrant County.

Commissioners Court Order No. _____.

**TARRANT COUNTY
STATE OF TEXAS**

CITY

County Judge

Signature

APPROVED AS TO FORM:

***APPROVED AS TO FORM AND
CONTENT:***

District Attorney's Office*

City Attorney

*By law, the District Attorney's Office may only advise or approve agreements or legal documents on behalf of its clients. It may not advise or approve a agreement or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF
\$_____:

Certification of Funds Available as follows:

Fiscal year ending September 30, 2007	\$
Fiscal year ending September 30, 2008	\$
Fiscal year ending September 30, 2009	\$247,000
Fiscal year ending September 30, 2010	\$103,750
Fiscal year ending September 30, 2011	\$705,412
Fiscal year ending September 30, 2012	\$705,413
Fiscal year ending September 30, 2013	\$

**All future years funding is contingent on future debt issuance
and renewal of this contract**

Fiscal year ending September 30, 2014	\$
Fiscal year ending September 30, 2015	\$
Fiscal year ending September 30, 2016	\$

	\$1,761,575

Auditor's Office

ATTACHMENT A

Project Information

City: City of Kennedale
Project Name: Widening of Sublett Road

Proposed Project Schedule

	Start Date	Duration (mo)	End Date *
Design:	Oct-2008	8	Jun-2009
ROW Acquisition:	Jul-2009	10	May-2010
Utility Relocation:	May-2010	5	Oct-2010
Construction:	Sep-2010	24	Sep-2012

- * COUNTY payments by completed phase are contingent upon the COUNTY'S reasonable determination that the work regarding the project phase for which payment is expected is successfully completed, as determined by the COUNTY. COUNTY plans to issue debt for all phases of this project, therefore payment remains contingent on debt issuance in accordance with applicable law.

Once Construction commences, COUNTY payment shall be made by fiscal quarter prorated over the life of the construction but contingent upon reasonable progress in construction as may be determined by the COUNTY.

Proposed County Payment by Phase

Design:	\$247,000
ROW Acquisition:	\$103,750
Utility Relocation:	\$
Construction:	\$1,410,825
County Funding	
Total:	\$1,761,575

Proposed County Payment by Calendar Quarter (SUBJECT TO CHANGE)

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
2007		\$	\$	\$
2008	\$	\$	\$	\$
2009	\$	\$247,000	\$	\$
2010	\$	\$103,750	\$	\$176,353
2011	\$176,353	\$176,353	\$176,353	\$176,353
2012	\$176,353	\$176,353	\$176,354	\$
2013	\$	\$	\$	\$
2014	\$	\$	\$	\$
2015	\$	\$	\$	\$
2016	\$	\$	\$	\$

Date: September 12, 2012

Agenda Item No: CONSENT ITEMS - D.

I. Subject:

Consider authorizing the City Manager to sign an interlocal agreement with Tarrant County for the reconstruction of Kenney Street.

II. Originated by:

Bob Hart, City Manager

III. Summary:

The city requested county participation for the reconstruction of Kenney Street. The proposed contract will permit the county to construct Kenney Street with the city buying the material and the county building the street. The agreement is the standard agreement used by the county for these type of projects.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	kenney	kenney1.pdf
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THE STATE OF TEXAS
COUNTY OF TARRANT

INTERLOCAL AGREEMENT

BACKGROUND

This Interlocal Agreement is between County of Tarrant ("COUNTY"), and the City of Kennedale ("CITY");

Sections 791.001 – 791.029 of the Texas Government Code provide legal authority for this Agreement;

During the performance of the governmental functions and the payment for the performance of those governmental functions the parties will make the performance and payment from current revenues legally available to that party; and

The Commissioners Court of the COUNTY and the City Council of the CITY each find:

- a. This Agreement serves the common interest of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement; and
- d. The CITY and COUNTY have authorized their representative to sign this Agreement.

The Parties therefore agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

COUNTY will furnish the labor and equipment for the following project:

The reconstruction of Kenney Street at a width of 23 feet for a length of approximately 845 feet from Broadway Street to 3rd Street. This reconstruction will include:

- 1.1 Stabilize and compact sub-grade at a depth of ten (10) inches;
- 1.2 Apply asphalt emulsion prime coat;
- 1.3 Place and compact three (3) inches of Type B Hot Mix Asphalt Concrete;
- 1.4 Place and compact two (2) inches of Type D Hot Mix Asphalt Concrete.

2. CITY RESPONSIBILITY

- 2.1 CITY will pay all trucking charges and furnish all materials for the project including stabilization materials, hot mix asphalt, asphalt emulsion and flexible base.
- 2.2 CITY will furnish a site for dumping waste materials generated during this project.
- 2.3 CITY will furnish all rights of way, plan specifications and engineering drawings.
- 2.4 CITY will furnish necessary traffic controls including Type A barricades to redirect traffic flow to alternate lanes during the construction phase of the project.
- 2.5 CITY will provide temporary driving lane markings.
- 2.6 If a Storm Water Pollution Prevention Plan is required, the CITY will be responsible for the design and development of the Plan. CITY will pay for all cost (including subcontractor materials, labor and equipment) associated with the implementation and maintenance of the Plan.
- 2.7 CITY will ensure that the project is cleared of obstructions which could damage county equipment during construction.
- 2.8 CITY will verify the location of all utility locations, mark those locations and then remove the utilities that will interfere with the progress of the project.
- 2.9 CITY will provide a stockpile site for materials used for this project.
- 2.10 CITY will provide soil lab testing for this project.

3. PROCEDURES DURING PROJECT

COUNTY retains the right to inspect and reject all materials provided for this project. CITY will provide quality assurance inspection for the project. If the CITY has a complaint regarding the construction of the project, the CITY must complain in writing to the COUNTY within 30 days of project completion. Upon expiration of 30 days after project completion, the CITY becomes responsible for maintenance of the project.

4. NO WAIVER OF IMMUNITY

This agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This agreement does not waive CITY rights under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

- 5.1 If requested by CITY, the COUNTY may apply permanent striping;
- 5.2 If necessary, COUNTY may furnish flag persons;
- 5.3 If required, the CITY will pay for engineering services, storm water run-off plans, and continuation of services and plan;
- 5.4 If a Storm Water Prevention Plan is provided by CITY, COUNTY will be responsible for the implementation and maintenance of the Plan during the duration of the project.

6. TIME PERIOD FOR COMPLETION

CITY will give the COUNTY notice to proceed at the appropriate time. However, COUNTY is under no duty to commence construction at any particular time.

7. THIRD PARTY

The parties do not enter into this agreement to protect any specific third party. The intent of this agreement excludes the idea of a suit by a third party beneficiary. The parties to this agreement do not consent to the waiver of sovereign immunity under Texas law to the extent any party may have immunity under Texas law.

8. JOINT VENTURE & AGENCY

The relationship between the parties to this agreement does not create a partnership or joint venture between the parties. This agreement does not appoint any party as agent for the other party.

9. EFFECTIVE DATE

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed.

COUNTY OF TARRANT

CITY OF KENNEDALE

COUNTY JUDGE

Date: _____

Attest:

AUTHORIZED CITY OFFICIAL

Date: _____

Attest:

APPROVED AS TO FORM*

ASSISTANT CITY ATTORNEY

ASSISTANT DISTRICT ATTORNEY

CITY SECRETARY

COMMISSIONER PRECINCT TWO
ANDY NGUYEN

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

Date: September 12, 2012

Agenda Item No: CONSENT ITEMS - E.

I. Subject:

Consider authorizing the City Manager to sign an interlocal agreement with Tarrant County for the reconstruction of Sulphur Street.

II. Originated by:

Bob Hart, City Manager

III. Summary:

The city requested county participation for the reconstruction of Sulphur Street. The proposed contract will permit the county to construct Sulphur Street with the city buying the material and the county building the street. The agreement is the standard agreement used by the county for these type of projects.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	sulphus	sulphur1.pdf
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THE STATE OF TEXAS
COUNTY OF TARRANT

INTERLOCAL AGREEMENT

BACKGROUND

This Interlocal Agreement is between County of Tarrant ("COUNTY"), and the City of Kennedale ("CITY");

Sections 791.001 – 791.029 of the Texas Government Code provide legal authority for this Agreement;

During the performance of the governmental functions and the payment for the performance of those governmental functions the parties will make the performance and payment from current revenues legally available to that party; and

The Commissioners Court of the COUNTY and the City Council of the CITY each find:

- a. This Agreement serves the common interest of both parties;
- b. This Agreement will benefit the public;
- c. The division of costs fairly compensates both parties to this Agreement; and
- d. The CITY and COUNTY have authorized their representative to sign this Agreement.

The Parties therefore agree as follows:

TERMS AND CONDITIONS

1. COUNTY RESPONSIBILITY

COUNTY will furnish the labor and equipment for the following project:

The reconstruction of Sulphur Street at a width of 21 feet for a length of approximately 560 feet from Broadway Street to 4th Street. This reconstruction will include:

- 1.1 Stabilize and compact sub-grade at a depth of ten (10) inches;
- 1.2 Apply asphalt emulsion prime coat;
- 1.3 Place and compact three (3) inches of Type B Hot Mix Asphalt Concrete;
- 1.4 Place and compact two (2) inches of Type D Hot Mix Asphalt Concrete.

2. CITY RESPONSIBILITY

- 2.1 CITY will pay all trucking charges and furnish all materials for the project including stabilization materials, hot mix asphalt, asphalt emulsion and flexible base.
- 2.2 CITY will furnish a site for dumping waste materials generated during this project.
- 2.3 CITY will furnish all rights of way, plan specifications and engineering drawings.
- 2.4 CITY will furnish necessary traffic controls including Type A barricades to redirect traffic flow to alternate lanes during the construction phase of the project.
- 2.5 CITY will provide temporary driving lane markings.
- 2.6 If a Storm Water Pollution Prevention Plan is required, the CITY will be responsible for the design and development of the Plan. CITY will pay for all cost (including subcontractor materials, labor and equipment) associated with the implementation and maintenance of the Plan.
- 2.7 CITY will ensure that the project is cleared of obstructions which could damage county equipment during construction.
- 2.8 CITY will verify the location of all utility locations, mark those locations and then remove the utilities that will interfere with the progress of the project.
- 2.9 CITY will provide a stockpile site for materials used for this project.
- 2.10 CITY will provide soil lab testing for this project.

3. PROCEDURES DURING PROJECT

COUNTY retains the right to inspect and reject all materials provided for this project. CITY will provide quality assurance inspection for the project. If the CITY has a complaint regarding the construction of the project, the CITY must complain in writing to the COUNTY within 30 days of project completion. Upon expiration of 30 days after project completion, the CITY becomes responsible for maintenance of the project.

4. NO WAIVER OF IMMUNITY

This agreement does not waive COUNTY rights under a legal theory of sovereign immunity. This agreement does not waive CITY rights under a legal theory of sovereign immunity.

5. OPTIONAL SERVICES

- 5.1 If requested by CITY, the COUNTY may apply permanent striping;
- 5.2 If necessary, COUNTY may furnish flag persons;
- 5.3 If required, the CITY will pay for engineering services, storm water run-off plans, and continuation of services and plan;
- 5.4 If a Storm Water Prevention Plan is provided by CITY, COUNTY will be responsible for the implementation and maintenance of the Plan during the duration of the project.

6. TIME PERIOD FOR COMPLETION

CITY will give the COUNTY notice to proceed at the appropriate time. However, COUNTY is under no duty to commence construction at any particular time.

7. THIRD PARTY

The parties do not enter into this agreement to protect any specific third party. The intent of this agreement excludes the idea of a suit by a third party beneficiary. The parties to this agreement do not consent to the waiver of sovereign immunity under Texas law to the extent any party may have immunity under Texas law.

8. JOINT VENTURE & AGENCY

The relationship between the parties to this agreement does not create a partnership or joint venture between the parties. This agreement does not appoint any party as agent for the other party.

9. EFFECTIVE DATE

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed.

COUNTY OF TARRANT

CITY OF KENNEDALE

COUNTY JUDGE

Date: _____

Attest:

AUTHORIZED CITY OFFICIAL

Date: _____

Attest:

APPROVED AS TO FORM*

ASSISTANT CITY ATTORNEY

ASSISTANT DISTRICT ATTORNEY

CITY SECRETARY

COMMISSIONER PRECINCT TWO
ANDY NGUYEN

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

Date: September 12, 2012

Agenda Item No: CONSENT ITEMS - F.

I. Subject:

Consider resolution establishing energy conservation goals as required by Texas Health and Safety Code.

II. Originated by:

III. Summary:

The attached resolution will establish energy conservation goals as required by Texas Health and Safety Code 388.005, as amended by senate bill 898 of the 82nd legislative session of 2011, which requires the filing of an annual report on compliance with the city's energy conservation goals with the state energy conservation office.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Resolution SECO	RESOLUTION SECO.pdf
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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE TEXAS ESTABLISHING ENERGY CONSERVATION GOALS AS REQUIRED BY TEXAS HEALTH AND SAFETY CODE § 388.005, AS AMENDED BY SENATE BILL 898 OF THE 82ND LEGISLATIVE SESSION OF 2011, STATE OF TEXAS; REQUIRING THE FILING OF AN ANNUAL REPORT ON COMPLIANCE WITH THE CITY'S ENERGY CONSERVATION GOALS WITH THE STATE ENERGY CONSERVATION OFFICE ("SECO") ON A FORM PROVIDED BY SECO; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Senate Bill 898 of the 82nd Legislative Session of 2011 amends the Texas Health and Safety Code § 388.005, to require political subdivisions in nonattainment areas to establish a goal to reduce electric consumption by at least five percent each state fiscal year for 10 years beginning September 1, 2011; and

WHEREAS, the City of Kennedale, Texas ("City") is a political subdivision located in a nonattainment area or in an affected county, not otherwise exempted from having to establish an energy conservation goal; and

WHEREAS, Senate Bill 898 requires the City to file an annual report of energy conservation efforts with SECO on a form to be provided by SECO; and

WHEREAS, reduction in consumption of electricity at City electric accounts will reduce electric generation requirements, which will in turn have a beneficial impact on ERCOT system reliability, air quality, and the City's budget.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS THAT:

Section 1.

The City hereby establishes a goal that electricity consumption be reduced by five percent each fiscal year for ten years, beginning September 1, 2011.

Section 2.

The City file an annual energy consumption goal compliance report with SECO on a form provided by SECO.

Section 3.

This resolution shall become effective immediately upon its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS ON THIS 12TH DAY OF SEPTEMBER, 2012.

Mayor, John Clark

Attest:

Amethyst G. Cirimo, City Secretary

Effective Date: _____

Approved As To Form And Legality:

Wayne Olson, City Attorney

Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

Public hearing to receive input on the Fiscal Year 2012-2013 Proposed Budget.

1. Staff Presentation
2. Public Hearing
3. Staff Response and Summary

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

According to Chapter 102, Section 102.006 of the Local Government Code, "the governing body of a municipality shall hold a public hearing on the proposed budget. Any person may attend and may participate in the hearing." The governing body shall also provide for public notice of the date, time and location of the hearing. This was accomplished in the Fort Worth Star Telegram on August 24, 2012.

City Staff will make a summary presentation prior to council receiving public comments, if any on the FY2012-2013 Proposed Budget, given the Council Budget Retreat/Workshop conducted on August 10, 2012.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

This is a public hearing only. The 2012-2013 budget and tax rate will be adopted, and the budget ratified during regular session on September 19, 2012.

VIII. Attachments:

Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

Discuss and consider an ordinance amending the city's schedule of administrative fees.

II. Originated by:

Sakura Moten-Dedrick, Director of Finance & IT

III. Summary:

The purpose of this ordinance is to set forth those fees and charges authorized to be charged by the City of Kennedale pursuant to specific authorization by the City Council. Fees and charges help offset both direct and indirect costs associated with the administration, investigation and implementation of ordinances and regulations applicable to development, as well as numerous other City activities and operations.

The City Council last approved revisions to this "schedule" of fees and charges on April 12, 2012 (Administrative Fees: Credit Card Fee-Utility Billing). For the purposes of this update, City staff would like to incorporate several changes, which are denoted in red on attached Schedule of Fees. In terms of staff's reasoning for the denoted items:

Business License - Rate has remained the unchanged for over a decade. Similar sized cities charge rates varying between \$50-\$175 per year. This update makes our rate more comparable.

Fingerprinting of Citizens for Record Checks - Rate has remained unchanged for over decade. Desire to offset cost and staff time tied to this activity.

Residential Deposit - Total rate of \$90 (\$60 water/\$30 sewer) has remained unchanged since 2006. Staff would like to keep the deposit for "owners" at \$90; however, we desire to increase this deposit to \$150 (\$90 water/\$60 sewer) for "renters." In the cases where the city has found itself with a balance remaining/still due even after a \$90 deposit has been applied, it has generally occurred in accounts where an individual was renting the home. These new rates will keep Kennedale comparable (in the mid-range) to other cities. Furthermore, when an account has been finaled out for non-payment, and a individual returns back to the city to setup a new account, staff would like to double the original deposit (\$180 for owners, \$300 for renters) in order to reduce future liabilities and ensure that any further balances are adequately covered.

Commercial Deposit - Total rate of \$125 (\$75 water/\$50 sewer) has remained unchanged since 2006. Staff recommends \$150 (\$100 water/\$50 sewer). These new rates will keep Kennedale comparable (in the mid-range) to other cities. In terms of those returning to setup new accounts, the same reasoning applies for doubling of the original deposit.

Well Application For Pad Site - Staff would like to recommend assessing a straight \$5000 per well on the

same pad site, regardless of the number of additional wells. The city is currently charging a sliding scale per additional well. Given a comparison of this fee to other cities, and in the effort to streamline administrative efforts, a flat fee is desired.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Schedule of Fees Ordinance	Schedule of Fees Ordinance.docx
2.	Exhibit A: Schedule of Fees	Schedule of Fees (Current).pdf

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2-3 OF THE KENNEDALE CITY CODE (1991), AS AMENDED, BY AMENDING, REPEALING, OR PROVIDING FOR FEES FOR CERTAIN CITY SERVICES; PROVIDING FOR THE ADOPTION OF ADDITIONAL FEES BY ORDINANCE; PROVIDING FOR THE REPEAL OF FEES INCONSISTENT WITH THE FEES ESTABLISHED HEREIN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, in order to offset costs associated with the administration, investigation and implementation of ordinances and regulations applicable to development and other activities, the City Council has previously established a schedule of fees; and

WHEREAS, the City Council now desires to update its schedule of fees by amending or repealing certain fees and adopting new fees; and

WHEREAS, the City Council desires to repeal all previously adopted fees, which are inconsistent with fees established by this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, THAT:

SECTION 1.

Section 2-3 of the Kennedale City Code (1992), as amended, is hereby amended to read as follows:

“Sec. 2-3. Fees for Licenses, Inspections, Permits, etc.

- (a) All persons, firms or corporations applying for licenses, inspections, permits or other city services, activities or uses that, by their nature, require the applicant to pay a fee incident to such application, shall be required to pay the following fees as established in Exhibit “A.”

- (b) The City Council shall periodically review the need for and the amount of fees for city services, uses and activities and shall adopt or revise it from time to time.
- (c) In addition, the fees established in paragraph (a) above, the City Council may adopt other ordinances from time to time establishing various fees for city services, activities and uses.
- (d) It shall be a violation of this Section to conduct any activity or commence any use for which the payment of a fee is required unless such fee has been paid.”

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the City of Kennedale, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of Section 2-3 of the Kennedale City Code (1991), as amended, or any other ordinance or code provision affecting fees which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Kennedale is hereby directed to publish the caption, penalty clause, publication clause and effective date of this ordinance in every issue of the official newspaper of the City of Kennedale for two days, or one issue of the newspaper if the official newspaper is a weekly newspaper, as authorized by Section 52.011 of the Local Government Code.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Kennedale, Texas, this the 12th day of September 2012.

APPROVED:

Mayor, John Clark

ATTEST:

Amethyst Cirimo, City Secretary

EXHIBIT B: SCHEDULE OF FEES
(09-12-12 Draft)

ADMINISTRATIVE FEES (CURRENT)

Ballfields			
KYA-Annual Lease Agreement			
Day	\$20.00		
Night	\$40.00		
Business License	\$15.00		
Business License	\$25.00		
Itinerant Vendor License	\$100.00		
Certificate of Occupancy	\$55.00		
Credit Card Fees			
Municipal Court	3%	When payment of any fee, fine court cost or other charge related to Kennedale Municipal Court is made by credit card via phone, online or in-person, a fee equaling three (3) percent per fine, fine, court cost or other charge paid by credit card will be added to the fee, fine, court cost or other charge paid.	
Utility Billing	\$0.00	When payment of any fee or other charge related to Kennedale Utility Billing is made by credit card online or in-person, no fee will be required. Phone payments are not accepted.	
Permitting	3%	When payment of any fee or other charge related to Kennedale Permitting is made by credit card via phone, online or in-person, a fee equaling three (3) percent per fee or other charge paid by credit card will be added to the fee or other charge paid.	
Miscellaneous/Other Activity	\$0.00	When payment of any fee or other charge related to any other miscellaneous activity is made by credit card online or in-person, no fee will be required. Phone payments are not accepted. If, for any reason, a payment by credit card is not honored by the credit card company on which the funds are drawn, the city shall collect the same amount as the fee charged for the collection of a check drawn on an account with insufficient funds from the person who owes the fee, fine, court cost or other charge in addition to the original fee, fine, court cost or other charge.	
Returned Check	\$30.00		
Request For			
Annexation	\$200.00		
Zoning Change or Amendment	\$500.00	0-10 Acres	
	\$1,500.00	10 Plus More Acres	
Variance	\$250.00		
Special Use Permit	\$250.00		
Fingerprinting of Citizens for Record Checks	\$7.50	Per Card	
Fingerprinting of Citizens for Record Checks	\$10.00	Per Card	
Gathering Station Inspection	\$1,000.00		

EXHIBIT B: SCHEDULE OF FEES
(09-12-12 Draft)

Printouts/Copies From Plotter	\$1.00	Per Square Foot
Request for Vehicle Accident Reports	\$6.00	Per Report
Community Center Rentals		
Residents	\$30.00	Per Hour During Library's Normal Hours, Minimum \$100 Required
	\$40.00	Per Hour During Library's Closed Hours, Minimum \$100 Required
Non-Residents	\$40.00	Per Hour During Library's Normal Hours, Minimum \$100 Required
	\$50.00	Per Hour During Library's Closed Hours, Minimum \$100 Required
Deposit (Applies To All Users)	\$150.00	May Be Refunded Upon Successful Inspection
Pavillion Rentals		
Residents	\$35.00	For 2 Hours, \$65 For 4 Hours, \$90 For 6 Hours, \$115 For 8 Hours
Non-Residents	\$75.00	For 2 Hours, \$105 For 4 Hours, \$130 For 6 Hours, \$115 For 8 Hours
Deposit (Applies To All Users)	\$50.00	May Be Refunded Upon Successful Inspection
Library		
Overdue Book	\$0.15	Per Day
Photocopies From Copier	\$0.10	Per Page
Printouts From Computer	\$0.25	Each (First 5 Copies)
	\$0.10	Each Page Thereafter
Printouts From Computer	\$0.25	Per Page
Materials Lost or Damaged Beyond Repair	\$5.00	Processing Fee + Listed Retail Price
Repair of Inventory Material	Actual Cost	
Sale of Storage Device (Floppy, Disc, CD, Other)	Actual Cost	
Interlibrary Loan	No Charge	
Laminated Library Card Replacement	\$2.00	
Repair of CD/DVD	\$1.00	
Transmittal Fax Only (Local)	\$1.00	First Page, \$.25 Each Page Thereafter
Transmittal Fax Only (Long Distance)	\$2.00	First Page, \$.50 Each Page Thereafter
Mowing and/or Cleaning Property (Contractor)	Actual Cost	Plus \$75.00 Administrative Fee
Deposit-Residential Water	\$60.00	Renter's Deposit \$90. If Any Residential Account Is Finaled Out For Nonpayment & Service Is Subsequently Re-Established, Depost Is Doubled.
Deposit-Residential Sewer	\$30.00	Renter's Deposit \$60. If Any Account Is Finaled Out For Nonpayment & Service Is Subsequently Re-Established, Depost Is Doubled.
Deposit-Commercial Water	\$75.00	
Deposit-Commercial Water	\$100.00	If Any Account Is Finaled Out For Nonpayment & Service Is Subsequently Re-Established, Depost Is Doubled.
Deposit-Commercial Sewer	\$50.00	If Any Account Is Finaled Out For Nonpayment & Service Is Subsequently Re-Established, Depost Is Doubled.
Deposit-Commercial/Industrial w/High Consumption	-	1/6 of Annual Consumption
Deposit-Water for Cleanup (15 Day Temp Service)	\$30.00	Per Day
Use of Bulk Unmetered Water	-	Rate Times Estimated Gallons
Deposit-Use of Bulk Water Meter (Fire Hydrant)	\$600.00	Plus \$50 Service Fee

EXHIBIT B: SCHEDULE OF FEES
(09-12-12 Draft)

Deposit-Use of Bulk Water Meter (Gas Drilling)	\$1,000.00	Plus \$50 Service Fee
Water Administrative Fee (Appear On Cut List)	\$20.00	
Water Transfer Fee	\$15.00	
Disconnect Service At The Main	Actual Cost	
Move City Utilities	Actual Cost	
Private Water Well Permit & Inspection	\$75.00	
Liquid Waste Permit	\$50.00	
Liquid Waste Trip Ticket Book	\$20.00	
Wrecker License and/or Permit	\$20.00	
Garage Sale Permit	\$10.00	
Preliminary Plat	\$300.00	Plus \$5.00 Per Lot
Final Plat	\$300.00	Plus \$10.00 Per Lot
Replat	\$500.00	0-10 Acres
	\$1,500.00	10 Plus More Acres
Minor Plat, Vacated Plat, Amended Plat	\$300.00	Plus \$5.00 Per Lot
Plat Filing Fees	\$5.00	Administrative Fee

PERMIT FEES

MECHANICAL CODE PERMITS & INSPECTIONS

Single Family, Duplex, Townhouse, Etc.	\$110.00	Per Air Handling Unit
Apartments, Condominiums, Triplex & Larger	\$110.00	Each Dwelling
Commercial Cooling/Heating System		
Less Than 100 tons	\$110.00	Per Air Handling Unit
101+ More Tons	\$110.00	Per Air Handling Unit

MISCELLANEOUS

Replacement of Furnaces, Condensing Unit or Cooling/Heating System	\$55.00
Vent-A-Hood For Commercial Cooking	\$55.00
Minimum Fee For Single Permit	\$55.00
Re-Inspection Fee	\$55.00
Mechanical Code Appeal	\$100.00
All Unlisted Permits Per Inspection	\$55.00

FIRE CODE PERMITS, INSPECTIONS & FEES

Fire Report	\$15.00	
EMS Report	\$15.00	
Fire Inspection (Annual, Bi-Annual of CO)	No Charge	
Re-Inspection	No Charge	
2 nd Re-Inspection	\$55.00	
3 rd or more Re-Inspection	-	Fee Doubles For Each Subsequent Inspection
Site Plan Review	\$55.00	

EXHIBIT B: SCHEDULE OF FEES
(09-12-12 Draft)

Building/Fire Plan Review	\$55.00	
Fire Code Appeal	\$100.00	
Fire Suppression Systems	\$55.00	
Engine Standby Fee	\$150.00	Hourly
Brush Truck Standby Fee	\$75.00	Hourly
HazMat Squad Standby Fee	\$300.00	Hourly
Fire Marshall Standby Fee	\$40.00	Hourly
Paramedic Standby Fee	\$30.00	Hourly
False Alarm (3 rd or M'ore)	\$55.00	Fee Doubles For Each Subsequent Alarm
Ambulance Fees	Actual Cost	The actual cost of ambulance service shall be established according to the reasonable and customary reimbursement allowances used by applicable insurance carriers, as reviewed and approved by the City Manager on a quarterly basis.

OIL & GAS WELL PERMITS & FEES

Fee Assessed Per Application Per Pad Site

1st Well Requested On An Application for Pad Site	\$5,000.00	Each Additional Well On Same Application for Same Pad Site Is Same Cost as 1st Well. Also, Additional Wells Requested After Submission of Original Application For Particular Pad Site Shall Be Counted As New Application.
2nd Well Requested On Same Application for Same Pad Site	\$4,000.00	Additional Wells Requested After Submission of Original Application For Particular Pad Site Shall Be Counted As New Application
3rd Well Requested On Same Application for Same Pad Site	\$3,000.00	Additional Wells Requested After Submission of Original Application For Particular Pad Site Shall Be Counted As New Application
Each Additional Well On Same Application for Same Pad Site	\$2,000.00	Additional Wells Requested After Submission of Original Application For Particular Pad Site Shall Be Counted As New Application
Annual Inspection Per Well	\$2,000.00	\$300 Per Additional Well On Same Pad Site
Annual Air Sampling & Reporting Fee Per Pad Site For Low-To-Moderate Impact Sites	\$12,000.00	
Annual Air Sampling & Reporting Fee Per Pad Site For High Impact Sites (To Be Determined By City)	\$45,000.00	May Be Paid In Quarterly Installments
Annual Air Sampling & Reporting Fee As Needed	\$12,000.00	Per Instance Of Additional Monitoring

BUILDING CODE PERMITS, INSPECTIONS AND PLAN REVIEWS

Construction Table Based On Total Valuation:

\$1.00 to \$500.00	\$23.50
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EXHIBIT B: SCHEDULE OF FEES
(09-12-12 Draft)

\$501.00 to \$2,000.00	\$23.50	For the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25	For the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to 50,000.00	\$391.25	For the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75	For the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75	For the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75	For the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 & Up	\$5,608.75	For the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof
<u>MISCELLANEOUS</u>		
Alterations and Repairs To Existing Structures	-	Per Construction Table Above
Detached Garages	-	Per Construction Table Above
Carports	-	Per Construction Table Above
Patio Covers	-	Per Construction Table Above
Portable Building (Max.150 sq. ft.)	-	Per Construction Table Above
Accessory Building (Max. 150 sq. ft.)	-	Per Construction Table Above
Swimming Pool (Above ground)	-	Per Construction Table Above
Swimming Pool (In-ground)	-	Per Construction Table Above
Fireplace	-	Per Construction Table Above
Demolition	\$55.00	
Underground Storage Tanks (Includes Gas Lines To Tank)	-	Per Construction Table Above
Tent (Commercial) >200 sq.ft.	\$55.00	
Carnival or Temporary Amusement	\$55.00	
Canopy> 400 sq.ft.	\$55.00	
Signs	-	Per Construction Table Above
Fence	-	Per Construction Table Above
Drive Approach	\$55.00	
Reinspection Fee	\$55.00	
Moving Buildings into the City	\$100.00	
Building Code Appeal	\$100.00	
<u>PLUMBING CODE PERMITS & INSPECTIONS</u>		
Single Family, Duplex, Townhouse, Etc.	\$0.06	Per Square Foot
Apartments, Condominiums, Triplex, Etc.	\$0.05	Per Square Foot
Commercial/Industrial New Construction	\$0.06	Per Square Foot
Unit Fee Schedule		
Each Plumbing Fixture, Trap or Set Fixture, Etc.	\$55.00	

EXHIBIT B: SCHEDULE OF FEES
(09-12-12 Draft)

Each Building Water Line	\$55.00	
Each Building Sewer Line	\$55.00	
Installation/Repair of Water Piping and/or Water Treatment Equipment	\$55.00	
Repair or Alteration of Drainage or Vent Piping	\$55.00	
Each Lawn Sprinkler System On Any One Meter, Including Backflow Protection	\$55.00	
Private Sewage Disposal System	\$55.00	
Industrial Waste Pre-Treatment Interceptor	\$55.00	
Gas Fired Applicable W/Special Vent Pipe	\$55.00	
Each Gas Piping System (1-4 Outlets)	\$55.00	
Each Gas Piping System (5 Plus More Outlets)	\$55.00	
Repair of Existing Piping	\$55.00	
Fireplace Piping & Valve	\$55.00	
Gas Line Pressure Check	\$55.00	
Yard Line Pressure Check	\$55.00	
<u>MISCELLANEOUS</u>		
Reinspection Fee	\$55.00	
Minimum Calculation		
Single Residence	\$55.00	
Non-Residence Unit	\$55.00	
Plumbing Code Appeal	\$100.00	
All Unlisted Permits Per Inspection	\$55.00	
<u>ELECTRICAL CODE PERMITS & INSPECTIONS</u>		
Single Family, Duplex, Townhouse, Etc.	\$0.06	Per Square Foot
Apartments, Condominiums, Triplex, Etc.	\$0.05	Per Square Foot
Commercial/Industrial New Construction	\$0.06	Per Square Foot
In-Ground, Residential Swimming Pool	\$110.00	
Electric Generators Used By Carnival, Circuses, Travling Shows, Exhibits	\$55.00	
<u>MISCELLANEOUS</u>		
Fixed Residential Appliances Or Receptacle Outlets, Etc. (As In City Code)	\$55.00	
Receptacles, Switch, Lighting or Other Outlet Holding Devices	\$55.00	
Services of 600 Volts or Less:		
Not Over 200 Amps	\$55.00	
Over 600 Volts or Over 1,000 Amps	\$55.00	
(As in City Code) each Power Apparatus	\$2.00	
Rating in Horsepower, Etc.		
Up To & Including 1, Each	\$55.00	
Over 1, Up To 10, Each	\$55.00	

EXHIBIT B: SCHEDULE OF FEES
(09-12-12 Draft)

Over 10, Up To 50, Each	\$55.00
Over 50, Up To 100, Each	\$55.00
Over 100, Each	\$55.00
Signs, Outline Lighting or Marquees From	
One Branch Circuit, Each	\$55.00
Additional Branch Outlets	\$55.00
Temporary Power To Any Structure (Max 90 Days)	\$55.00
Miscellaneous	
Minimum For Any Single Permit, Except Temporary Construction	\$55.00
Pole Reconnects	
Reinspection Fee	\$55.00
Electrical Code Appeal	\$100.00
All Unlisted Permits Per Inspection	\$55.00

REGISTRATION

Contractor Registration Fees In Accordance With Article XIII, Chapter 4 of This Code

Initial Registration	\$100.00	
Annual Renewal	\$50.00	
Sub-Division Construction Inspection Fees	4%	Of Construction Cost
Tree Permit	\$150	Per Acre With \$150 Minimum

WATER & WASTEWATER FEES

Water Tap Fee (No Street Cut)		
¾"	\$475.00	Plus \$300 Meter Set Fee Plus Cost Of Meter
1"	\$525.00	Plus \$350 Meter Set Fee Plus Cost Of Meter
1 ½"	\$950.00	Plus \$550 Meter Set Fee Plus Cost Of Meter
2"	\$1,075.00	Plus \$700 Meter Set Fee Plus Cost Of Meter
3" or Larger	Actual Cost	Plus Actual Cost Meter Set Fee Plus Cost Of Meter
Water Tap Fee (With Street Cut or Bore)		
¾"	\$925.00	Plus \$300 Meter Set Fee Plus Cost Of Meter
1"	\$975.00	Plus \$350 Meter Set Fee Plus Cost Of Meter
1 ½"	\$1,400.00	Plus \$550 Meter Set Fee Plus Cost Of Meter
2"	\$1,525.00	Plus \$700 Meter Set Fee Plus Cost Of Meter
3" or Larger	Actual Cost	Plus Actual Cost Meter Set Fee Plus Cost Of Meter
Sewer Tap Fee (No Street Cut)		
4"	\$425.00	
6"	\$600.00	
8" or Larger	Actual Cost	
Sewer Tap Fee (With Street Cut or Bore)		
4"	\$875.00	
6"	\$1,050.00	
8" or Larger	Actual Cost	
Meter Calibration Fee		

EXHIBIT B: SCHEDULE OF FEES
(09-12-12 Draft)

City Staff	\$45.00	Only If Meter Determined Accurate
Independent Testing Company	\$125.00	Only If Meter Determined Accurate
Meter Tampering Fee		
Tampering with Meter	\$100.00	Per Offense Plus Cost Of Repair/Replacement
Tampering with Lock or Cutting Lock	\$100.00	Per Offense Plus Cost Of Repair/Replacement

Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - C.

I. Subject:

Consider authorizing the City Manager to execute a new contract with Intermedix for emergency medical service billing.

II. Originated by:

III. Summary:

Rescind the Kennedale (Ambulance Billing) CMS Directive Effective 02-06-2008.

EMS collections have declined due in part to the city policy of not billing Kennedale citizens for ambulance service. Rescinding the 2008 directive will allow Intermedix to send ambulance bills to citizens and provide "soft collection" attempts.

Paul Crawford from Intermedix will present background information and answer questions regarding Kennedale's ambulance billing practices and revenue.

The contract will be emailed to you on Monday.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - D.

I. Subject:

Review draft concept plan for the Oak Crest area and consider sending the plan to the Planning and Zoning Commission for review and adoption.

II. Originated by:

Bob Hart, City Manager

III. Summary:

As a result of the joint City Council/EDC board workshop concerning the development of Oak Crest, staff has worked with Halff and Associates to prepare a draft concept plan for that area. The plan, which includes senior housing, a hotel, retail and restaurant space, etc, has been shared with the hotel consultants and received favorable feedback. The plan also includes increased street linkages and a green belt through areas of steep slopes.

At this point, the staff is requesting a review by the council and if the draft plan is acceptable, it will be sent to planning and zoning for review and recommended action.

IV. Fiscal Impact Summary:

V. Legal Impact:

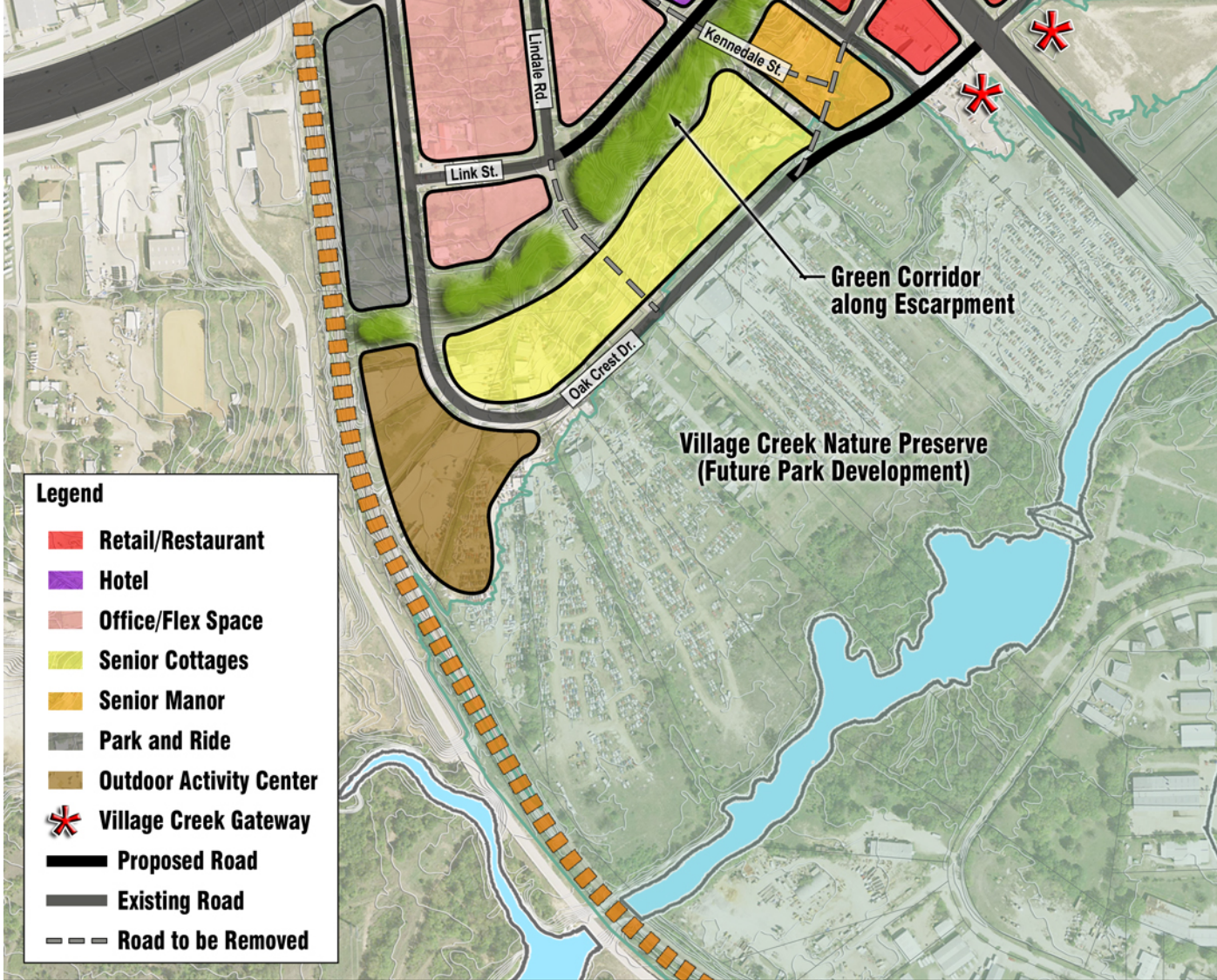
VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	draft	Kennedale_Employment district MP_200scl_11x17.jpg
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August 28, 2012



HALFF

Kennedale Employment District M

Kennedale, TX



Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - E.

I. Subject:

Public hearing on Case # PZ 12-02, a request by Cynthia Sasedor for a zoning change from "C-1" Restricted Commercial and "R-2" Single Family Residential to "PD" Planned Development District for approximately 2.5 acres at an unaddressed parcel at Little School Rd and Potomac Pkwy located in the M P Lamar Survey A987, Kennedale, Tarrant County, Texas. *(This application has been withdrawn by the applicant and no action will be taken at this time)*

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

This request as been withdrawn by the applicant.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - F.

I. Subject:

Public Hearing on Case PZ 12-03, to consider action on an ordinance prohibiting the development of gated communities by amending the subdivision regulations of the City of Kennedale.

1. Staff Presentation
2. Public Hearing
3. Staff Response and Summary
4. Action by the City Council

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

This item was tabled at the last meeting.

The Planning & Zoning Commission and staff initiated this item because it helps implement some of the principles from the comprehensive plan, namely Principle # 1 - Connected City and Principle # 3 - Thriving Community. The comprehensive plan calls for creating a sense of identity, connectedness, and a sense of belonging. Neighborhoods designed to keep out anyone who doesn't live there and that do not include public space work against these ideas. Prohibiting gated communities and private streets helps Kennedale move towards implementation of the comprehensive plan.

The concept of prohibiting gated communities in order to build community is supported by research. The literature we relied upon in developing the comprehensive plan and the literature identified by staff in researching the pros and cons of gated communities indicate that gated communities are detrimental to community building. They increase social exclusion and can cultivate a fear of the "other," of anyone who doesn't belong inside the gated community.

Finally, prohibiting gated communities/private streets is consistent with the regulatory approach to development already taken by the city in its existing regulations. Since the adoption of its first zoning code, Kennedale has decided what kinds of neighborhood could be built here. The city regulates what kind of building materials may be used to build a home, where homes can be placed on a lot, what size lot residents can have, where and how to park their cars, and a number of other factors related to development, construction, and lifestyle. A prohibition on gated communities would an additional tool to the city's existing regulatory approach.

The Planning & Zoning Commission voted to recommend approval of the ordinance during its meeting on July 19th.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	O507	O507 - Gated Communities.doc
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ORDINANCE NO. 507

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AMENDING DIVISION 14 GATED COMMUNITY/PRIVATE STREETS, ARTICLE 5 SUBDIVISION REGULATIONS OF CHAPTER 17 OF THE KENNEDALE CITY CODE OF ORDINANCES (1991), AS AMENDED, TO PROHIBIT GATED COMMUNITY/PRIVATE STREET DEVELOPMENTS; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the City Council of the City of Kennedale previously adopted a subdivision ordinance to regulate the division of property within the city limits; and

WHEREAS the City Council is of the opinion that said ordinance as originally adopted and amended does not fully consider research concerning the effect of gated communities or private street developments on the public health, safety, and welfare; and

WHEREAS, the comprehensive land use plan for the City of Kennedale calls for connected neighborhoods and for encouraging a sense of belonging, and gated communities disconnect neighborhoods from the public realm and discourage a sense of belonging to the community as a whole.

WHEREAS, public streets and open communities provide opportunities for shared experience among community members and gated communities prohibit these opportunities; and

WHEREAS, architecture designed to increase neighbors' interaction, such as a decrease in gated communities, has been noted by public health officials as one of the tools for increasing public health; and

WHEREAS, gated communities do not significantly reduce levels of crime or increase sense of community compared with non-gated communities, and therefore the benefits of gated communities do not outweigh the negative effects of privatizing public space in this manner;

WHEREAS after holding a public hearing the Planning and Zoning Commission of the City of Kennedale has forwarded a recommendation to the City Council for adoption of

revised subdivision regulations as contained in Article V of Chapter 17 of the Kennedale City Code,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, THAT:

SECTION 1.

Division 14 Gated Community/Private Streets, Article V Subdivision Regulations, Chapter 17 Planning & Land Development of the Kennedale city code is hereby amended to read as follows:

Division 14 – Private Streets

Sec. 17-320. – Gated Communities.

Private street developments as defined in Section 17-310 of this article are prohibited.

Sec. 17-321. - Existing gated communities.

Private street developments in existence and approved by the city prior to adoption of this ordinance shall be allowed to continue. However, such uses may not be expanded, and private infrastructure, easements, and open areas must continue to be maintained by the party responsible for maintenance prior to adoption of this ordinance.

17.322 – 17.349. - Reserved.

SECTION 2.

Section 17-310 Definitions of the Kennedale City Code is hereby amended to include a definition for “Private street development / Gated community,” to read as follows:

Private street development / Gated community. A private street development is any residential development, including but not limited to single family and multi-family development, that contains a group of lots that have no frontage on a publicly dedicated street and are accessible by way of a private street or access easement. Such subdivisions may also limit access to lots or dwelling units by the use of a gate, security guard or other active means of limiting access.

SECTION 3.

This Ordinance shall be cumulative of all provisions of all existing ordinances and of the Kennedale City Code (1991), as amended, including but not limited to all ordinances of the City of Kennedale affecting subdivisions or streets, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Kennedale City Code (1991), as amended, or any other ordinances regarding the regulation of subdivisions or streets that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Kennedale is hereby directed to publish the caption penalty clause publication clause and effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

SECTION 8.

Any person firm or corporation who violates disobeys omits neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2000.00) for all violations involving zoning and Five Hundred Dollars (\$500.00) for all other offenses and in addition shall pay all costs and expenses involved in the case. Each day a violation occurs is a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

PASSED AND APPROVED ON THIS 9th DAY OF AUGUST, 2012.

John Clark, Mayor

ATTEST:

Amethyst Cirno, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney

Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - G.

I. Subject:

Consider adopting standard parliamentary procedures and implementing those procedures for all city boards and commissions.

II. Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

III. Summary:

The procedures (attached) are an amended version of the standard 'Rosenberg's Rules of Order,' which have become the standard set of rules over the past few years. They include very simple descriptions and instructions on how to run an effective meeting.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	parliamentary procedures	Rosenberg-Publisher.pdf
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Parliamentary Procedures

FOR THE CITY OF KENNEDALE



The governing bodies of the City of Kennedale are dedicated to excellent service and development for our residents. In order to conduct effective meetings, the City Council has adopted the following set of parliamentary procedures.

The City of Kennedale's parliamentary procedures are supported by the following four principles:

- 1. Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
- 2. Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
- 3. Rules should be user friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
- 4. Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Mayor or Board Chair Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedures, it is the Mayor or Board Chair that is charged with applying the rules of conduct. The Mayor or Chair should be well versed in those rules, because the Mayor/Chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the Mayor/Chair are final unless overruled by the governing body or board itself.

Because the Mayor/Chair conducts the meeting, it is common courtesy for the him or her to take a less active role than other members of the body in debates and discussions. This does *not* mean that the Mayor/Chair should not participate in the debate or discussion. On the contrary, as a member of the body, the Mayor/Chair has full rights to participate in the debates, discussions and decision-making. The Mayor/Chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Meetings have a written published agenda, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the Mayor/Chair in the following basic format.

1st the Mayor/Chair should clearly announce the agenda item number and should clearly state what the subject is. The Mayor/Chair should then announce the format that will be followed.

2nd following that agenda format, the Mayor/Chair should invite the appropriate individuals to report on the item, including any recommendation they might have. The appropriate individual may be the Mayor/Chair, a member of the governing body, a staff person, or a committee chair charged with providing information about the agenda item.

3rd the Mayor/Chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

4th if the item includes a public hearing, the Mayor/Chair should invite public comments at the appropriate time. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the Mayor/Chair should announce that the public hearing has closed.

5th the Mayor/Chair should invite a motion from the governing body members. The Mayor/chair should announce the name of the member who makes the motion.

6th the Mayor/Chair should determine if any member of the body wishes to

second the motion. The Mayor/Chair should announce the name of the member who seconds the motions. It is normally a good practice for a motion to require a second before proceeding with it, to ensure that it not just one member of the body who is interested in a particular approach. If there is no second to the motion, the Mayor/Chair must ask three additional times before the motion is dismissed.

7th if the motion is made and seconded, the Mayor/Chair should make sure everyone understands the motion. This is done in one of three ways:

1. The Mayor/Chair can ask the maker of the motion to repeat it;
2. The Mayor/Chair can repeat the motion; or
3. The Mayor/Chair can ask the secretary of the body to repeat the motion

8th the Mayor/Chair should now invite discussion of the motion by the member of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

9th the Mayor/Chair takes a vote. Votes are typically done by a show of hands or by using the vote button. If members of the body do not vote, then they "abstain" and not state the reason for abstaining from the vote. Unless the rules of the body provide otherwise or unless a majority determines whether the motion passes or is defeated.

10th the Mayor/Chair should announce the result of the vote and should announce what action (if any) the body

has taken. In announcing the result, the Mayor/Chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3 -2, with Smith and Jones dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this governing body."

The Three Basic Motions

Three motions are the most common:

- 1. The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."
- 2. The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.
- 3. The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would "move a substitute motion." A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

Motions to amend and substitute motions are often confused. But they are quite different, and so is the effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the Mayor/Chair. So that if a member makes what the member calls a motion to amend, but the Mayor/Chair determines it is really a substitute motion, the Mayor/Chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The Mayor/Chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions are seconds) at the same time, the *first* vote should be on the *last* motion made. So for example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows.

First, the Mayor/Chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be

complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the Mayor/Chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the Mayor/Chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the Mayor/Chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the Mayor/Chair would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Mayor/Chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the questions on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Mayor/Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a

desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Mayor/Chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the Mayor/Chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion if passed, requires the body to adjourn the meeting at the specific time set in the motion. For examples, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the questions" or "I call for the question." When a member of the body makes such a motion, the member is

really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the Mayor/Chair should ask for a second to the motion to limit debate. The motion to limit debate requires a four-fifths vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format the motion to limit debate requires a two-thirds vote of the body (normally four votes for Council and five votes for a seven member board). A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. For example, in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. The extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenant of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and

debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the member of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the Mayor/Chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Mayor/Chair before proceeding to speak.

The Mayor/Chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The Mayor/Chair has the right to cut off discussion that is too personal, too loud, or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the Mayor/Chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Order. The proper interruptions would be: "Point of order." Again, the Mayor/Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting; for example if the Mayor/Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Mayor/Chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the Mayor/Chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the Mayor/Chair is deemed reversed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Mayor/Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the Mayor/Chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation during the Visitor/Citizens Forums and Public Hearings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while staying on task and maintaining focus on overarching policy goals and community vision.

We hope that these parliamentary procedures will be useful and effective in maintaining a highly transparent process for all of the city's governing and advisory bodies and will allow all board and commission members to function as effectively as possible.

Thank you for your service to the city of
Kennedale

*These parliamentary procedures are
based on both Rosenberg's Rule of Order
and Robert's Rule of Order.*

Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - H.

I. Subject:

Consider amendments to the Arts and Culture Advisory Board Ordinance.

II. Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

III. Summary:

The attached ordinance reflects changes related to allowing one seat to be occupied by a representative from the Chamber of Commerce, and one seat to be occupied by a non-resident.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	ordinance	OXXX - Amending Arts Board.pdf
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ORDINANCE NO. XXX

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE VIII, ARTS AND CULTURE ADVISORY BOARD, OF THE CODE OF ORDINANCES OF THE CITY OF KENNEDALE, TEXAS, AS AMENDED, BY AMENDING SECTION 16-101, MEMBERSHIP, APPOINTMENTS, QUALIFICATIONS, TERMS, VACANCY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale is a home rule city acting under its charter adopted by the electorate pursuant to Article X1, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council previously adopted an ordinance providing for the creation and appointment of the Arts and Culture Advisory Board; and

WHEREAS, the City Council now desires to amend said ordinance to revise the provisions for membership on the board.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS:

SECTION 1.

Section 16-101 of the Kennedale City Code is hereby amended to read as follows:

Sec. 16-101. - Membership; appointments, qualifications, terms, vacancy.

- (a) The City Council will appoint the seven (7) member board designated by places, being place 1 through place 7 and designating one member as board chair. The terms of office will be for periods of two (2) years from July 1st of each year.
- (b) Members shall be appointed by a majority vote of the city council. Places 1, 3, 5 and 7 will be appointed in each odd numbered year. Places 2, 4, and 6 will be appointed in each even numbered year.
- (c) The members of the board will be resident citizens within the city limits of Kennedale, taxpayers, and qualified voters of the City of Kennedale, Texas, with the exception of Places 6 and 7. Place 6 will be filled by a representative from the Kennedale Chamber of Commerce. This member does not have to reside within the city limits of Kennedale. Place 7 may be filled by a person who lives

within the city limits of Kennedale or within the boundaries of the Kennedale Independent School District.

- (d) In the event of a vacancy on the board, such vacancy will be filled as soon as practical by majority vote of city council.
- (e) The board is authorized to create committees and subcommittees as necessary to fulfill its purposes.
- (f) Each board member serves at the pleasure of the city council and may be removed by a majority vote of the city council with or without cause.

SECTION 2.

This Ordinance shall be cumulative of all other ordinances of the City of Kennedale, and shall not repeal any of the provisions of such ordinance except in those instances when provisions of such ordinances are in direct conflict with the provisions of this ordinance, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

PASSED AND APPROVED ON THIS 12TH DAY OF SEPTEMBER, 2012.

Mayor, John Clark

Attest:

Amethyst G. Cirimo, City Secretary

Effective Date: _____

Approved As To Form And Legality:

Wayne Olson, City Attorney

Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - I.

I. Subject:

Consider appointments to the Arts and Culture Advisory Board.

II. Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

III. Summary:

This discussion and related appointments were postponed at the last meeting.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	info	AC Info.pdf
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Arts & Culture Membership as of August 2012:

TERM END	PLACE	TYPE	NAME
2013	PLACE 1	Regular	Felipe Gutierrez
2012	PLACE 2	Regular	Ernest Harvey
2013	PLACE 3	Regular	Cheri Yori
2012	PLACE 4	Regular	VACANT
2013	PLACE 5	Regular	Jeffrey Nevarez
2012	PLACE 6	Regular	VACANT
2013	PLACE 7	Regular	VACANT

No Applications were received.

Attendance:

Meeting Held? (Y or N)		Y	N	N	N	N	N	N	N	Y	N	N	N	N	2			
		2011							2012						MEMBER TOTALS			
		JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	PRESENT	ABSENT	EXCUSED	STUDENT ATTENDANCE %
PLACE	NAME:														/	X	E	
1	Felipe Gutierrez	/								/					2	0	0	100
2	Ernest Harvey	X								X					0	2	0	0
3	Cheri Yori	+								/					2	0	0	100
4	VACANT	+								+					2	0	0	100
5	Jeffrey Nevarez	+								/					2	0	0	100
6	VACANT	+								+					2	0	0	100
7	Randy Bell	/								/					2	0	0	100
															0	0	0	0
															0	0	0	0
7	/	6	0	0	0	0	0	0	0	6	0	0	0	0	12	2	0	12
	L	0	0	0	0	0	0	0	0	0	0	0	0	0	TOTAL MONTHLY CLASS ATTENDANCE %			
	X	1	0	0	0	0	0	0	0	1	0	0	0	0				
	E	0	0	0	0	0	0	0	0	0	0	0	0	0	/	X	E	%
	MEETING ATTENDANCE %	85.7	0	0	0	0	0	0	0	0	85.7	0	0	0	0	85.7	14.3	0

Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - J.

I. Subject:

Consider appointments to the Board of Adjustment/Building Board of Appeals.

II. Originated by:

Amethyst G. Cirimo, City Secretary and Communications Coordinator

III. Summary:

Please see the attached information. The BOA/BBA currently has 2 vacant alternate seats that need to be filled.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	info	BOA and BBA Info.pdf
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Board of Adjustment as of 8/2012

TERM END	PLACE	TYPE	NAME
2013	(none)	Regular	Brian Cassady
2012	(none)	Regular	Rick Adams
2012	(none)	Regular	Linda Elam
2013	(none)	Regular	Patrick Vader
2012	(none)	Regular	Jeff Madrid
2012	(none)	Alternate	Richard West
2012	(none)	Alternate	Darrell Dixon
2013	(none)	Alternate	VACANT
2013	(none)	Alternate	VACANT

New Applicants for BOA:

1st Choice	2nd Choice	3rd Choice	NOTES	
Jeff Madrid			Currently serves as an alternate & would like to be a regular member.	Reappointed 8/12
REDarrell Dixon			Currently serves as an alternate & would like to be a regular member.	Reappointed 8/12
Jeffrey Nevarez			Currently on BBA & A&C.	
Donald Rawe			Currently on LAB. Applied for Council.	Appointed to P&Z 8/12
	Ron Whitley		Ron applied last year but did not meet residency requirements.	
	Hollis Matthews		New applicant. Does not currently serve.	
		Lana Sather	Currently on BBA. Has reapplied to BBA.	

Meeting Held? (Y or N)		N	Y	N	Y	N	N	Y	N	N	N	N	N	Y	4			
		2011							2012						MEMBER TOTALS			
PLACE	NAME:	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	PRESENT	ABSENT	EXCUSED	STUDENT ATTENDANCE %
															/	X	E	
1	Brian Cassady		/		/			/						/	4	0	0	100
2	Rick Adams		/		/			/						/	4	0	0	100
3	Linda Elam		X		/			X						X	1	3	0	25
4	Patrick Vader		/		/			/						/	4	0	0	100
5	Cheryl Abbott		/		/			/						/	4	0	0	100
6	Richard West		X		X			X						/	1	3	0	25
7	Jeremy Redding		X		X			X						X	0	4	0	0
8	Jeff Madrid		/		/			X						/	3	1	0	75
9	Darrell Dixon		X		/			/						/	3	1	0	75
9	/	0	5	0	7	0	0	5	0	0	0	0	0	7	24	12	0	24
	L	0	0	0	0	0	0	0	0	0	0	0	0	0	TOTAL MONTHLY CLASS ATTENDANCE %			
	X	0	4	0	2	0	0	4	0	0	0	0	0	2	/	X	E	%
	E	0	0	0	0	0	0	0	0	0	0	0	0	0				
	MEETING ATTENDANCE %	0	55.6	0	77.8	0	0	55.6	0	0	0	0	0	77.8	66.7	33.3	0	66.6 6667

Building Board of Appeals as of 8/2012

TERM END	PLACE	TYPE	NAME
2013	PLACE 1	Regular	Jeffrey Nevarez
2012	PLACE 2	Regular	Billy Vester
2013	PLACE 3	Regular	Brian Cassady
2012	PLACE 4	Regular	VACANT
2013	PLACE 5	Regular	VACANT
2012	PLACE 6	Regular	Lana Sather
2013	PLACE 7	Regular	VACANT

New Applicants for BBA:

1st Choice	2nd Choice	3rd Choice	NOTES	
Ron Whitley			Applied last year but did not meet residency requirements.	
	Donald Rawe		Currently on LAB. Applied for Council.	Appointed to P&Z 8/12
		David Smith	Currently on PRB and would like to be reappointed to that board.	Removed from PRB 8/12
		Stephen Brim	Currently on PRB and KKB, noted this as a second choice.	

Attendance:

Meeting Held? (Y or N)		N	N	Y	Y	Y	N	N	N	N	N	N	N	N	3			
		2011							2012						MEMBER TOTALS			
		JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	PRESENT	ABSENT	EXCUSED	STUDENT ATTENDANCE %
PLACE	NAME:														/	X	E	
1	Jeffrey Nevarez			/	/	/									3	0	0	100
2	Billy Vester			+	+	+									3	0	0	100
3	Brian Cassady			/	/	/									3	0	0	100
4	Lin Eason			/	/	X									2	1	0	66.66667
5	Matthew Donahue			+	+	+									3	0	0	100
6	Lana Sather			/	/	/									3	0	0	100
7	Bill Munn			X	/	X									1	2	0	33.33333
															0	0	0	0
															0	0	0	0
7	/	0	0	6	7	5	0	0	0	0	0	0	0	0	18	3	0	18
	L	0	0	0	0	0	0	0	0	0	0	0	0	0	TOTAL MONTHLY CLASS ATTENDANCE %			
	X	0	0	1	0	2	0	0	0	0	0	0	0	0				
	E	0	0	0	0	0	0	0	0	0	0	0	0	0	/	X	E	%
	MEETING ATTENDANCE %	0	0	85.7	100	71.4	0	0	0	0	0	0	0	0	85.7	14.3	0	85.71429

Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - K.

I. Subject:

Consider casting votes for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election.

II. Originated by:

Bob Hart, City Manager

III. Summary:

Please see the attached information.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	ballot	votes.pdf
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OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 11 – 14 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. Each Member of the Pool is entitled to vote for Board of Trustee members. Please record your organization's choices by placing an "X" in the square beside the candidate's name. You can only vote for one candidate for each place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2012. Ballots received after September 30, 2012, cannot be counted. **The ballot must be properly signed and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P. O. Box 149194, Austin, Texas 78714-9194. If the ballot is not signed, it will not be counted.**

PLACE 11

- ☐ **Bill Agan.** Mayor of Richland Hills (Region 8). Mr. Agan was elected Mayor in May, 2012, for a term of two years. He has served as a city councilmember from 1986 to 1987. He has served on the City's Planning and Zoning Commission, and has served on the City's Charter Review Commission in 1986 and from 2011 to the present. Mr. Agan has owned an auto repair business for 40 years, and has been involved in an insurance business for two years and a real estate business for six years.
- ☐ **Greg Ingham (Incumbent).** City Manager, City of Plainview (Region 3) since 2004. He has previously served as City Manager in Levelland and Littlefield, Texas. Mr. Ingham has served in local government since 1975 and is active in numerous statewide and regional organizations. He has an MPA and is a Certified Public Manager. Mr. Ingham has been a board member of the TML Intergovernmental Risk Pool since 1989. He has served as Chair and Vice-Chair of the Board, and has served as Chair of the Board's Finance Committee.
- ☐ **Kavon Novak.** Alderman, City of Caldwell (Region 10) since 2011. He is a 1991 graduate of Texas A&M University with a Bachelor's Degree in Marketing. He has been a business owner for 14 years in the financial industry and is currently an Investment Consultant with LPL Commerce since 2009. Mr. Novak has been a member of the Caldwell Men's Lions Club for 9 years and is currently the Treasurer. He and his wife of 16 years, Lori, have 4 children. They are members of First Baptist Church in Caldwell and are active in 4-H Shooting Sports and Soccer.
- ☐ **Troy Stegemoeller.** Mayor Pro Tem, City of Idalou (Region 3). Mr. Stegemoeller has served on the City Council since 2008. He has a B.S. in Agriculture Economics from Texas Tech University and is a graduate of Louisiana State University Graduate Banking School. He has been in banking for 32 years, and currently serves as the President of Vista Bank in Idalou. He has served on an advisory committee to Congressman Randy Neugebauer, and has served as finance chair of the Idalou Methodist Church and Treasurer of the local Salvation Army.

WRITE IN CANDIDATE:

PLACE 12

- ☐ **Larry Gilley** (Incumbent). City Manager, City of Abilene (Region 6) since June of 2002. He previously served as City Manager for San Marcos (1988 – 2002), Assistant City Manager for San Marcos (1987 – 1988), City Manager for Panhandle (1977 – 1987), and City Manager for Bovina (1976 – 1977). Mr. Gilley has been a Board member of the TML Intergovernmental Risk Pool since 2007, and currently serves as Chair of the Board's Underwriting and Claims Committee. He has an MPA from Southwest Texas University, and a BA from Texas Tech University.
- ☐ **Pete Gonzalez**. Deputy City Manager and Chief Financial Officer of the City of Brownsville (Region 12) since June of 2008. He previously served as Director of Finance for Brownsville from 1978 to 2008. He serves as a Board member and Finance Officer for the United Brownsville Corporation. He has a BBA degree in Accounting from Texas A&I University in Kingsville and is a certified government financial manager. Under his leadership, the City of Brownsville has been awarded the Certificate of Achievement for Excellence in Financial Reporting for the past 34 consecutive years.

WRITE IN CANDIDATE:

PLACE 13

☐

Byron Black (Incumbent). Board Chair, Central Appraisal District of Johnson County (Region 8) and member of the Area Metro Ambulance Authority Board. He served as Mayor of Burleson from 1998-2004, previously serving as mayor pro tem and as a Councilmember. He was a member of the Burleson Independent School District Board for 12 years, 9 as President, and served as president of TASB. Mr. Black has served as a Board member of the TML Intergovernmental Risk Pool since 2000, and presently serves as Vice-Chair.

☐

Gary L. Kent. Councilmember for the City of Copperas Cove (Region 9). Mr. Kent has been a resident of Copperas Cove for over fourteen years. He and his wife have three children and two grandchildren. He served 24 years with the U.S. Army, including three combat tours, and retired as a 1st sergeant. He currently serves as police chief for the City of Nolanville and has more than 17 years of law enforcement experience. He is an active member of many community groups, including VFW Post #8577.

☐

Keith Olson. Councilmember, City of Huntsville (Region 14) since 2010, and serves as Chair of the City's Finance Committee. Mr. Olson was born in Houston in 1973, and grew up in Huffman, Texas. He graduated from the University of Houston's Police Academy in 1994. Councilmember Olson sits on various local and regional boards pertaining to private finance. He is currently the owner and operator of Olson's Fine Jewelry, with interests in diamonds and specialty watches.

WRITE IN CANDIDATE:

PLACE 14



Cynthia Kirk. Risk Manager for the City of Bryan (Region 10) since 1984. Ms. Kirk directs the City's workers' compensation, property and casualty coverage, claims administration, and safety/loss control functions. She is past president and currently serves on the Board of Directors of the Texas Chapter of the Public Risk Management Association and of the State and Local Government Benefits Association. She has served on the Board of Directors for the Surplus Lines Stamping Office of Texas and on various committees for the National Public Risk Management Association.



Pat Norriss (Incumbent). Nortex Regional Planning Commission (Region 5). Ms. Norriss served on the Burkburnett City Council for 22 years, including 16 years as mayor. She serves as a board member of the National Association of Regional Councils and has served as president of the Texas Association of Regional Councils of Government. She is also a Board member of Wichita Wilbarger 911 District and Nortex 911 Communication District. Ms. Norriss has served as a Board member of the TML Intergovernmental Risk Pool since 1995, and served as chair of the Board from 2004 - 2006.



Michael S. Nyren. Risk Manager for Capital Metropolitan Transportation Authority in Austin (Region 10) for 17 years. He has earned the designation of Associate in Risk Management and Associate in Risk Management for Public Entities and he serves on the Board of the Risk and Insurance Management Society, Central Texas Chapter. Mr. Nyren has a degree in Government and recently completed the Certified Public Manager Program at Texas State. He also has 30 years of experience in insurance, wellness, safety, security, and risk management.

WRITE IN CANDIDATE:

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness by hand, this _____ day of _____, 2012.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed name of Political Entity

Date: September 12, 2012

Agenda Item No: REGULAR ITEMS - L.

I. Subject:

Consider approving updates to the City of Kennedale Employee Handbook.

II. Originated by:

Kelly Cooper, Director of Human Resources

III. Summary:

The current handbook was last updated September 2006. Since that time a new management philosophy has been adopted that aims to develop organizational structure and processes which provide for maximized effectiveness in operations and provides for individual fulfillment, satisfaction and trust. It starts with the mission of the organization and flows into values and culture. Adopting this philosophy has caused internal procedures and practices to change. In addition to internal processes changing, there have also been amendments to current laws since 2006, which have prompted staff to review and recommend updates to the current handbook.

Staff began the handbook review by working with the Kennedale Action Team, a group of front-line employees from all departments. This group met twice a month to review and make recommendations regarding policy updates. Staff then engaged the management team in discussions and finally worked with the City Manager for approval. The City Attorney's office has reviewed and approved these changes from a legal perspective as well.

Attached is a document outlining the recommended update including a brief description.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

Approve

VII. Alternative Actions:

VIII. Attachments:

1.	Employee Handbook	Employee Handbook 2012.pdf
2.	Policy Updates	Policy Updates.pdf

CITY OF KENNEDALE

EMPLOYEE HANDBOOK

Effective Date September 12, 2012

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EMPLOYEE ACKNOWLEDGMENT FORM

The City of Kennedale (the "City") Employee Handbook, revised September 2012, describes important information about the City's personnel policies and procedures, and I understand that I should consult my supervisor and/or my Department Head regarding any questions not answered in the Employee Handbook. I have entered into my employment relationship with the City voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the City can terminate the relationship at will, with or without cause, at any time.

With the exception of the City's employment-at-will policy, all of the information, policies, and benefits described in the Employee Handbook are subject to change. I understand that revised information may supersede, modify, or eliminate existing policies. In the event of a conflict, I understand that the Employee Handbook supersedes all department policies. I agree that any conflicts or ambiguities in City policies and procedures will be decided by the City Manager.

Furthermore, I acknowledge that this Employee Handbook is neither a contract of employment nor a legal document. I understand that only the City Council has the authority to authorize an employment agreement or contract, and that any such agreement must be an express written employment contract, approved by the City Council in open session at a council meeting, and signed by both the City Manager and the affected employee.

I have received the September 2012 Employee Handbook, and I understand that it is my responsibility to read and comply with the policies contained in it and any revisions made to it. I also understand that the policies in this Employee Handbook supersede all prior written and/or oral City policies.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPED OR PRINTED)

A WARM WELCOME

TO EMPLOYEES OF THE CITY OF KENNEDALE

The City of Kennedale welcomes you as an employee. We hope your role with the City will live up to your expectations and that your tenure with us will be a rewarding one. If you are a current employee, we wish to express our sincere appreciation for your valued service. We recognize that you have a choice of where you want to work and we are grateful that you have chosen to work for this great City. We are proud of Kennedale and its greatest asset – our employees.

One of our objectives is to provide a work environment that is conducive to both personal and professional growth. We believe that each employee contributes directly to the long-term growth and success of the City, and we hope you will take pride in being a member of our team.

We are a values-based organization with a focus encouraging employee commitment to ethical aspirations, positive behavior, innovation and strong organization culture. With values at the core of an organization, its employees can take part in the bigger picture and the value of day-to-day tasks in the larger scheme of things. The following core values represent the organizational culture of the City of Kennedale and are explained further in another handbook called *Leading the Kennedale Way*. They are:

- Integrity
- Innovation
- Accountability
- Teamwork
- Commitment

We are pleased to provide you with this Employee Handbook, which outlines the personnel policies and practices in effect at the City. The Handbook will be a helpful reference during your association with the City. Also, we encourage you to freely ask questions of your supervisor, manager and Department Head.

Our best wishes for your success.

SECTION 1

INTRODUCTION AND KEY POLICIES

1.1 INTRODUCTION

This Employee Handbook is designed to acquaint you with the City of Kennedale (the "City") and provide you with information about working conditions, employee benefits, and some of the other policies affecting your employment. You are expected to read, understand, and comply with all provisions of the Employee Handbook. It describes many of your responsibilities as an employee and outlines many of the programs provided by the City to benefit employees. (Eligible employees will be given additional information about the City's various benefit programs.)

The policies set forth in this Employee Handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees. The provisions of the Employee Handbook have been developed at the discretion of City officials and, except for its policy of employment-at-will, may be amended or canceled at any time, at the City's sole discretion. The policies in this Employee Handbook supersede all prior written and/or oral City policies. If you have any questions about any of the City's policies, please ask your supervisor, Manager once Removed (MoR), Department Head, or the Human Resources Director.

The policies in this Handbook are established by the Kennedale City Council and any amended, revised, or new policies must be approved by the Council. These policies apply to all City employees unless specified otherwise by the policy itself, by State or Federal law, City Charter, or official City Council action.

A copy the Employee Handbook shall be issued to each City employee, whether full or part-time status. Department Heads and supervisors are required to be knowledgeable and familiar with the policies contained in this Handbook. This Handbook shall supersede all previous publications of the Kennedale Personnel Policy Manual. Each employee shall sign a form acknowledging receipt of this policy and the signed form shall be retained in the employee's personnel file.

1.2 MANAGEMENT AUTHORITY

It is the policy of the City, pursuant to City Charter, that the general and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or by City

Charter. The City Manager may, at his or her sole discretion, delegate authority to appropriate staff members to act on his or her behalf.

Department Heads are responsible for the proper and effective administration of these policies within their respective departments. Individual City departments may develop policies and procedures that are consistent with City policies and procedures found in this Handbook, subject to review and approval by the City Manager. No such departmental rule or policy is effective until approved in writing by the City Manager. A copy of all departmental rules and policies will be filed with the Human Resources Department. In the event of any conflict between department rules and policies and this Employee Handbook, the policies in the Handbook will control.

1.3 EMPLOYMENT AT WILL

Employees, who do not have a written, individual employment contract, approved by the City Council and setting forth a specific, fixed term of employment, are employed at will. This means that no individual supervisor has the authority to enter into an employment contract with any employee. As an at-will employee, either the employee or the City may terminate the employment relationship at any time, for any reason, without notice or cause.

1.4 EQUAL EMPLOYMENT OPPORTUNITY

The City of Kennedale is firmly committed to providing employees with a work environment where all individuals are treated with dignity and respect. No officer or employee of the City shall discriminate in employment practices based on race, creed, color, religion, veteran status, national origin, sex, age, or the existence of a physical or mental disability, nor does the City discriminate on the basis of genetic testing. This equal opportunity policy of the City applies to all areas of employment, including, but not limited to recruitment, hiring, role assignments, pay, training, promotions, privileges, and conditions of employment.

Complaint and Resolution Procedures. Employees who believe they have been unlawfully discriminated against, may file a grievance in accordance with procedures found in the Employee Complaint, Grievance and Appeals Policy, Section 7.2. The City will thoroughly investigate grievances and take appropriate actions to correct any wrong doing, including disciplinary actions up to and including termination of employment.

1.5 AMERICANS WITH DISABILITY ACT (ADA) AND AMENDMENTS ACT (ADAAA)

Policy of Non-Discrimination on the Basis of Disability. As mandated by the Americans With Disabilities Act (ADA), and as amended by the ADA Amendments Act (ADAAA) of 2009, the City does not discriminate against individuals with disabilities in the areas of employment, public services, and public accommodations. The Human Resources Director has been appointed the ADA Coordinator for all employment related compliance with the Act.

Employment Policy. The City does not discriminate against individuals with “qualifying disabilities” (as defined in the Act) who are otherwise qualified to perform the essential functions of the role, with or without reasonable accommodations. “Essential Functions,” as defined in the Act, are basic tasks of the role an employee must be able to perform, with or without reasonable accommodations. The City 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 City, or constitute a threat to the safety of individual seeking accommodation or other persons.

Process for Employees. Employees with qualifying disabilities who are requesting reasonable accommodations to perform essential functions of the role must submit a written request for accommodation using the Request for Reasonable Accommodations form to the ADA Coordinator/Human Resources department. The ADA Coordinator will facilitate a meeting with the department and the employee to discuss reasonable accommodation options.

Verification of Disability Status. In certain circumstances, compliance with the Act may require verification of the qualifying physical or mental disability which requires accommodation. In those instances the employee will be required to submit a Physician’s Statement form completed by their treating physician to be used solely for the determination of reasonable accommodations. All medical information will be treated as confidential medical records as provided for in the Act.

Process for Applicants. Applicants with qualifying disabilities may request reasonable accommodations to perform essential functions of the role either during the selection process or at the time of the conditional offer of employment. Applicants requesting reasonable accommodation should submit their request in writing. The ADA Coordinator will coordinate with the department and the applicant to work toward an accommodation.

Grievance Process. Grievances are handled in the Employee Complaint, Grievance and Appeal policy found in Section 7.2. In general, grievances of alleged ADA violations should be addressed in writing to the ADA Coordinator (Human Resources Director) and should include name, address, and telephone number of the person filing the grievance, together with a brief

description of the alleged violation and the specific reasonable accommodation requested. Assistance will be available through the ADA Coordinator for those unable to submit written grievances or requests.

In order to ensure the prompt resolution of problems or grievances, reports of alleged violations must be filed, in writing, as soon as possible after the grievant becomes aware of the alleged violation. If the employee or job applicant is not satisfied with the response of the ADA Coordinator, the grievance may be reviewed by the City Manager. The City Manager must receive a copy of the original grievance and ADA Coordinator's response, along with a written reply indicating why the Coordinator's solution is unacceptable, within five business days of receipt of the ADA Coordinator's written response. The City Manager will review the case and provide a final decision as soon as practical.

1.6 IMMIGRATION LAW COMPLIANCE

The City is committed to employing only those individuals who are authorized to work in the United States and who comply with the requirements of the Immigration Reform and Control Act of 1986 (IRCA). Under IRCA, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9 Form) and present legally acceptable documentation establishing identity and employment eligibility. This must be done within 3 days of beginning employment. **Failure to provide the necessary documentation within 3 days will result in termination of employment.** Former employees who are rehired must also complete an I-9 Form if they have not completed an I-9 Form with the City within the past 3 years, or if their previous I-9 Form is no longer retained or valid.

1.7 CONFIDENTIAL INFORMATION

From time to time, employees may be privy to confidential information which is vital to the interests and success of the City. Employees are prohibited from disclosing confidential or non-public information relating in any way to the City, its employees, or citizens.

When handling financial or personal information, employees must observe the following principles:

- (A) Collect, use, and retain only the personal information necessary for the City's business. Whenever possible, obtain any relevant information directly from the person concerned. Use only reputable and reliable sources to supplement this information.
- (B) Retain information only as long as necessary or as required by law. Protect the physical security of the information.

- (C) Limit internal access to personal information to those with a legitimate business reason for seeking that information. Use only personal information for the purposes for which it was originally obtained. Obtain the consent of the person concerned before externally disclosing personal information, unless the legal process or contractual obligations provide otherwise.
- (D) Employees are prohibited from using any electronic means (email, thumb/flash drive, phones or any other electronic means) to transmit confidential or non-public information to any person or party outside of their physical site of employment. Employees who have a business need to use e-mail to transmit confidential or non-public information to any party must first obtain the approval of their MoR or Department Head, who will determine whether security measures are necessary to ensure that the confidentiality of the transmission is not compromised.

Any employee who is aware of, or suspects, that an employee is or is about to violate this policy must immediately tell their supervisor or someone else in City management. Any employee who improperly uses or discloses confidential information, or who fails to report a suspected or actual violation of this policy, will be subject to disciplinary action, up to and including termination of employment.

1.8 SEARCHES

The City may, at any time, conduct unannounced searches or inspections of the worksite, including, but not limited to, City property used by employees such as lockers, file cabinets, desks, vehicles, and offices, whether secured, unsecured or secured by a lock provided by the employee. If reasonable suspicion exists, the City may also conduct unannounced searches or inspection of the employee's personal property located on City premises, including purses, lunch boxes, brief cases and private vehicles or vehicles used to conduct City business located on City property. **Employees are not entitled to any expectation of privacy with respect to such items.**

All searches must be authorized in advance by the City Manager and conducted under the direction of the Department Head and/or City Manager. Employees who refuse to cooperate with a search will likely be subject to disciplinary action, up to and including termination.

1.9 EMERGENCY CLOSING

Except for extraordinary circumstances, City offices DO NOT CLOSE because of bad weather or other emergency. In the event of inclement weather,

employees are expected to use their good judgment and are asked not to take unnecessary risks. If an employee feels that he/she is unable to drive due to weather conditions (not forecasts) or is otherwise unable to report to work because of the weather, the employee must call his/her supervisor or MoR. (This call must be made no later than the time the employee would normally leave home for his/her commute to work, or as otherwise directed by the Department.) The City may then make arrangements to provide alternate transportation to transport the employee to and from work as necessary.

Under certain circumstances, the City Manager may close certain departments, or various operations within a department. If the City Manager makes the decision to close City offices, affected employees will have an excused absence with pay. If the employee's department is not officially closed, absences due to weather will not be excused and any employee who fails to report to work will be charged vacation time for the time missed. If an exempt employee has no accrued vacation time, he or she will be required to make up the missed time at a later date. If a non-exempt employee has no accrued vacation or flextime available, he or she will not be paid for the time missed.

Many City departments provide essential services and employees are required to report to work regardless of adverse weather or other conditions. Essential personnel are designated by the City Manager and/or Department Head. Essential personnel who fail to report to work may be subject to disciplinary action, up to and including termination of employment.

1.10 FAIR CREDIT REPORTING ACT (FCRA)

The FCRA requires employers utilizing consumer reports for employment purposes to notify applicants or employees, in writing, that a consumer report may be obtained and obtain the written authorization of the applicant or employee prior to requesting the report. The employer is also required to notify the applicants or employee of any adverse action that is taken based on the consumer report. For more information contact Human Resources.

1.11 WHISTLEBLOWER ACT

The act states that "a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of the law by the employing governmental entity or another public employee to an appropriate law enforcement authority."

Complaint and Resolution Procedures. Employees who believe they have been affected by an unlawfully adverse personnel action, suspension or termination for making a good faith report of a possible violation of the law, may file a

grievance in accordance with procedures found in the Employee Complaint, Grievance and Appeals Policy, Section 7.2. The City will thoroughly investigate grievances and take appropriate disciplinary actions to correct any wrong doing, up to and including termination of employment.

1.12 CONFIDENTIALITY OF MEDICAL INFORMATION

The City is required to ensure that all medical information regarding an employee is maintained in a confidential manner. The City maintains all medical information separate from all personnel files.

It is important for employees to understand that while medical records are confidential, confidentiality may be waived if the employee provides medical information to his/her supervisor, manager, MoR, department head or anyone outside the Human Resources Department. In order for employees to preserve the confidentiality of their medical records, any and all information from physicians and other health care providers should not be provided to the immediate supervisor unless the employee does not mind the information being shared with that supervisor or as may be required to initiate a workers' compensation claim. If an employee does provide information to the supervisor, the supervisor is expected to share the information only with their manager or department head and Human Resources as needed.

Examples of information that may be provided by an employee's health care provider include:

- 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.

This policy does not excuse employees from complying with appropriate supervisory requests for information pursuant to attendance, sick, family leave, workers' compensation and other related policies. However, appropriate responses may be provided through Human Resources if the employee wishes to maintain confidentiality. If an employee does not provide the information requested whether to the supervisor or Human Resources, the employee may not be entitled to work or to receive certain City benefits until such information has been provided.

In addition to protecting their own confidential medical information, employees and supervisors 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.

1.13 EMPLOYEE RELATIONS

The City believes that the work conditions, wages, and benefits it offers to employees are competitive. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisor. Research has shown that when employees communicate openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The City makes every effort to amply demonstrate its commitment to employees by responding effectively to employee concerns.

SECTION 2

EMPLOYMENT

2.1 BASIC EMPLOYMENT QUALIFICATIONS

In addition to the qualifications applicable to each role, an applicant for employment with the City must:

- (A) be at least 18 years of age or other special age requirements;
- (B) be of good moral character;
- (C) complete employment eligibility (I-9);
- (D) agree to be fingerprinted and drug tested;
- (E) not be addicted to the use of narcotics or alcohol;
- (F) not have been discharged from the armed forces under conditions other than honorable or general.

2.2 RECRUITMENT PROCESS

Vacancy Identification. All recruitment activity will be initiated by the appropriate Department Head and coordinated by the Human Resources Department. Only those role specification vacancies allocated in the annual budget and specifically authorized by the City Manager may be filled.

Announcement of Vacancies. Except for promotions from within, an employment vacancy will typically be advertised as widely as possible to assure the availability of an adequate range of qualified candidates for the position. Role specification openings may be advertised in newspapers, both, local and area, trade journals and magazines, and professional journals when and where appropriate. Existing City employees will normally be given the first opportunity to apply for any openings within the City. Openings will usually be posted at City Hall in the break room, in each department, and two days prior to the role being advertised in the newspaper; however, the City reserves the right to forgo the internal posting policy.

Applications. Anyone seeking employment, promotion, transfer, or reinstatement with the City must complete and submit an application or interest card for the position desired. City applications officially received in the normal prescribed manner will be considered. All information set forth on an application is subject to verification. Applications will be considered active as

long as the role being applied for is open; once the role is filled the application is not longer active, unless the application is being retained as part of an eligibility list.

The City relies on the accuracy of information provided by individuals in their resume and employment application, as well as other data provided throughout the hiring process and during employment. Any misrepresentations, falsifications, or omissions in any of this information may result in the exclusion of the applicant from further consideration for employment or, if the person has been hired, termination from employment.

Disqualification. Applicants will be disqualified from consideration for reasons including, but not limited to the following:

- (A) Failure to meet the minimum qualifications necessary for performance of the role specification;
- (B) False statements or omissions on the application or during the application process;
- (C) Committing or attempting to commit a fraudulent act at any stage of the selection process;
- (D) Not legally permitted to work in the United States;
- (E) Not able to perform the essential functions of the role applied for with or without a reasonable accommodation;

Acceptance of Applications. Applications for employment will be accepted only when an employment vacancy exists, or when establishing an eligibility list.

2.3 BACKGROUND CHECKS

The City will perform background checks on applicants and employees to the extent necessary to determine their eligibility for employment or ongoing employment, as the case may be. Background checks may include, but are not necessarily limited to, review of criminal conviction record; verification of educational degree, license, or certificate required for the role; review of driving record; drug testing; outstanding warrant check; and credit history. The extent of the background check will be consistent with the employee's role within the City. The City may also conduct periodic background checks on existing employees. As a condition of employment or continued employment, applicants and employees are required to give the City the necessary authorization to perform such checks.

2.4 CITY DRIVER REQUIREMENTS

Information Required. Before hiring an applicant for a role that requires the driving of a City vehicle, the Human Resource Department will secure a copy of the applicant's driving record from the Texas Department of Public Safety to determine whether the applicant qualifies for employment under this section.

Disqualification. A person will not be hired for or allowed to retain a position that requires the driving of a City vehicle if within the immediately preceding 36 months, the person has:

- (A) a conviction for driving while intoxicated;
- (B) a conviction for driving under the influence of drugs; or
- (C) three or more accidents, three or more convictions for moving violations, or a combination thereof.

2.5 POST OFFER DRUG TESTING

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

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

Testing of Applicants. All applicants, to whom a conditional offer of employment has been made, may be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

2.6 MEDICAL EXAMINATIONS/FITNESS FOR DUTY

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

Conditional Employment. In accordance with the Americans with Disabilities Act, the City may condition employment on an individual's providing certain

medical history to a healthcare provider and/or successful completion of a medical examination. The Human Resources Department, working with the MoRs and Department Heads, designates those roles requiring medical history, a physical examination and/or a psychological examination.

Medical Exams for Current Employees. With the prior approval of the City Manager, a Department Head may require a current employee to undergo a medical examination to determine fitness for continued employment for promotion or for other personnel action; as may be necessary in order for the City to provide a reasonable accommodation; and as otherwise permitted in accordance with federal and state law.

With the prior approval of the Human Resources, a Department Head may require a current employee to undergo a psychological evaluation to determine fitness for continued employment; for promotion or for other personnel action; as may be necessary in order for the City to provide a reasonable accommodation; and as otherwise permitted in accordance with federal and state law.

All medical or psychological inquiries will be role-specific, consistent with business necessity, and conducted in accordance with the Americans with Disabilities Act, and other federal and state law.

Reasonable Accommodations. The City will provide reasonable accommodations to disabled applicants and employees as required by law.

Medical Records. The City is firmly committed to protecting the privacy rights of its employees. In an effort to ensure that employees' privacy rights are protected, the following is intended to provide guidelines for the appropriate handling of medical records:

Medical related information (i.e., results of medical examinations and post-offer inquiries, workers compensation disability reports, the physician's portion of the Family and Medical Leave Act Forms, etc.) must be kept in a locked file separate from the personnel files in the Human Resources Department. The Human Resources Department should designate a specific person or persons who will have access to the medical files. An employee's medical related information must be kept confidential and only those individuals having a business need to know will be informed of medical related information for an appropriate business/management purpose. Officials who have access to such information are required to maintain the confidentiality of the information. In addition, supervisors, managers, and others included in making and implementing personnel management decisions involving employees with medical conditions should strictly observe applicable privacy and confidentiality requirements.

Should a department have a need to request additional information from a physician concerning an employee's medical condition and the impact upon the employee's ability to perform the essential functions of the role, the department should make the request in writing to Human Resources. Essential role specification forms are available from the Human Resources Department. In no way should an employee's treating physician or healthcare provider be contacted directly by any member of the requesting department. Human Resources will seek the employee's permission to contact the employee's health care provider as all requests require a release from the employee. Once the release is provided, Human Resources will then contact the employee's health care provider.

Also, please remember that email should not be used as a form of communication regarding confidential personnel matters including medical/health related matters.

2.7 PROBATIONARY EMPLOYEES

All newly hired or rehired employees hired to fill a regular role and employees who have been promoted must satisfactorily complete a probationary period. During an employee's probationary period, the employee has no appeal rights *for disciplinary actions*. Temporary employees do not serve a probationary period and have no appeal rights. Only those employees who meet acceptable performance and other standards during their probationary period will be retained as employees. If an employee successfully completes his/her probationary period he/she is still employed at the will of the City; the employee will, however, have a right to appeal disciplinary action, as set forth in the City's Employee Appeals policy.

Probationary Periods. Probationary periods are as follows:

A one year probationary period will apply for all newly hired or promoted sworn and non-sworn public safety employees. Probation begins after completion of the required FTO training and then continues for a period of six months.

A six month probationary period will apply to all other newly hired or promoted employees of the City.

A probationary employee is ineligible for a pay increase and probationary employee has no right to appeal disciplinary actions.

The probationary period may be extended up to an additional 90 days if the employee's performance has been marginal and/or if the employee has missed a substantial amount of work time during the probationary period due

to extenuating circumstances. Any extensions to a probationary period must be recommended by the Supervisor and agreed jointly by Human Resources, the MoR, Department Head and the City Manager.

Employees are required to successfully complete their probationary period (and any extensions thereof) before they are eligible for transfer or promotion unless otherwise approved by the City Manager.

An employee who is re-employed, demoted, or transferred to another role as part of a disciplinary action is required to satisfactorily complete an additional probationary period of not less than 90 days. During this time period, the employee has no right to appeal disciplinary actions.

Failure of Probation. An employee will fail probation if, in the judgment of the Supervisor, MoR, and/or Department Head, the employee's performance is unacceptable. Failure of probation can occur at any time within the probationary period. The Supervisor, MoR's and/or Department Heads are responsible for ensuring adequate documentation of all cases of failure of probation as well as coaching/counseling, training and other efforts to assist employees improve their performance during their probationary period.

2.8 PERSONNEL RECORDS

Important events in each employee's history with the City will be recorded and kept in the employee's official personnel file. Personal effectiveness appraisals, change of status records, commendations, disciplinary actions, and educational and professional attainment records are examples of records maintained in your file.

Employees should promptly inform the Human Resources Department of any changes in name, address, home phone number, and family status (births, marriage, death, divorce, legal separation), and name and address of dependents (for benefits and tax withholding purposes only), beneficiary designations, persons to be notified in an emergency, educational accomplishments, and relevant certifications or licenses. This responsibility also applies to employees on leaves of absence.

Personnel files of employees are the property of the City and access to the information they contain is restricted. However, access to the information in an employee's personnel file may be subject to disclosure in accordance with the Texas Public Information Act.

2.9 EMPLOYMENT OF RELATIVES/NEPOTISM

No member of the same household of a City Council Member, the Mayor, the City Manager, or of the Human Resources or Finance departments will be

employed by the City. No person related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the Mayor, any member of the City Council, the City Manager or any current employee of the Human Resources or Finance (Payroll, Accounts Payable and Accounting, or other Finance role) may be appointed to any office, role, or other service of the City. (See Nepotism Chart attached as Appendix to Handbook.) All other department applicants will be reviewed by Human Resources on a case by case basis to determine the extent and severity of any potential conflict. No employee will be supervised by a relative. Qualified applicants who are not relatives will be given preference. The restrictions of this policy also apply to former spouses and "significant others." In the case of a marriage of two employees, or other situation giving rise to a relationship prohibited by this policy, the individuals concerned will decide who will terminate employment. If no decision can be made within 30 calendar days, the City Manager will decide.

2.10 NEW HIRE REPORTING

It is the policy of the City to comply with the Personal Responsibility and Work Opportunity Reconciliation Act which was signed into legislation on August 22, 1996. This legislation provides for a much strengthened Child Support Enforcement Program benefiting children and families by establishing and enforcing child support orders.

2.11 REFERENCES

All requests for information, including requests for verification of employment and requests for employment references, regarding current and former employees, must be in writing and should be directed to the Human Resources Department.

The City will only release dates of employment and title to third parties unless the employee or former employee has signed a written authorization to disclose further information about his or her employment, or if such information must be disclosed in accordance with a request pursuant to the Public Information Act.

All employees are expected to strictly abide by the terms and procedures of this policy. An employee who receives a request for information should never make any "off-the-record" statements regarding a current or former employee. Employees who violate this policy may be subject to discipline, up to and including termination.

2.12 OTHER EMPLOYMENT

The City does not wish to control the personal affairs of its employees or regulate their personal time. However, because outside activities, such as holding a second job may interfere with, or detract from, an employee's work on behalf of the City, work for other employers is strongly discouraged in most instances. Employees will not be permitted to hold another job (including self-employment and volunteer work) that might discredit the City, result in a conflict of interest (or potential conflict of interest) or result in anything less than satisfactory performance of the employee's regular and normal duties on behalf of the City. Other outside activities that similarly distract from an employee's ability to satisfactorily perform his or her role with the City are also discouraged. Before engaging in self-employment or accepting employment with another employer, the employee must obtain the written authorization of their Department Head or the City Manager.

Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers' compensation leave, work another job (whether for pay, as a volunteer or as self-employment), unless expressly authorized in writing by the Department Head and the City Manager.

2.13 REHIRES

Employees who leave the City's employment and are rehired start over as a new employee for the purposes of longevity service, vacation and sick leave accrual.

SECTION 3

WAGE AND SALARY POLICIES

3.1 EMPLOYMENT CATEGORIES

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is designated as either **non-exempt** or **exempt** from federal and state wage and hour laws. Employees are informed of their status as exempt or non-exempt at the time of their initial employment, or subsequently, if their classification changes for any reason. The City Manager will receive written notification of any change in an employee's status as exempt or non-exempt.

Non-Exempt. Non-exempt employees are subject to the overtime provisions of the Fair Labor Standards Act. Non-exempt employees (other than certain fire and police department employees) are generally entitled to overtime pay for all hours actually worked in excess of 40 in a 7-day work week, under the specific provisions of federal and state laws. Most non-exempt fire suppression personnel are entitled to overtime pay for hours worked in excess of 106 in a 14-day work cycle.

Exempt. Exempt employees are those who are not covered by applicable wage and hour laws found in the Fair Labor Standards Act. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the number of hours necessary to complete their assignments in a timely and quality basis.

In addition to the above categories, each employee will belong to one of the following employment categories:

Regular Full-Time. Regular full-time employees are employees who have completed their probationary period, are not in a temporary or part-time status, and who are regularly scheduled to work 35 hours or more per week. Generally, regular full-time employees are eligible for the City's benefit package including annual leave, sick leave and holiday pay, subject to the terms, conditions, limitations, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

Regular Part-Time. Regular part-time employees are employees who have completed their probationary period, are not assigned to a temporary status, and who are regularly scheduled to work less than 35 hours per week. Regular

part-time employees do not accrue vacation or sick leave. If regular part-time employees are normally scheduled to work a holiday, they will receive holiday pay. Regular part-time employees, who work at least 1000 hours in a year, are eligible to participate in TMRS.

Temporary. Temporary employees are employees whose employment is scheduled to last less than six months; who hold seasonal positions, even though the employment may last more than six months; hold a position which, by City policy and practice, is intended to give introductory work experience to a person preparing for entry into the workforce; or are in a position scheduled to work 40 hours per week but on a temporary basis. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing by the City Manager or his/her designee. While temporary employees who work directly for the City (as opposed to a temporary staffing agency) receive all legally mandated benefits (such as workers' compensation insurance coverage and Social Security), they are generally ineligible for the City's other benefit programs. In addition, temporary employees have no right to appeal disciplinary action.

Temporary employees who are placed with the City, 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 City and are not eligible for participation in TMRS.

Volunteers. Volunteers are not employed by the City in any capacity. Volunteers chose to donate their time and services for the benefit of the community without any expectation of compensation or benefits.

3.2 ROLE DESCRIPTIONS

The Human Resources Department is responsible for creating and updating written role specification forms for each role within the City by working with the Supervisory, MoR and Department Head. The City Manager and Human Resources will periodically review the tasks and accountabilities of each role within the City and set pay levels commensurate with the tasks and accountabilities, skill, educational requirements and experience level associated with each role.

3.3 EMPLOYEE COMPENSATION PLAN

Subject to approval by the City Council, each year the City Manager will prepare and administer a written compensation plan for all City employees. In preparing the compensation plan, consideration will be given to prevailing

rates of pay among other public; the tasks, accountabilities and qualifications required for the role; and other relevant factors.

3.4 GENERAL PAY SCHEDULE

The City has 26 pay periods each year and employees will normally be paid biweekly or every other Friday. Employees will normally be paid on the preceding workday if the current payday falls on a recognized holiday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

When an employee is absent or on leave on payday, the employee must report to their Supervisor, MoR and/or Department Head to receive his or her paycheck, or designate a person (in writing) to pick up his or her paycheck. The person designated to pick up the paycheck must be identified on the appropriate form provided by the City and completed by the employee. Employees are encouraged to set-up direct deposit to alleviate concerns receiving timely pay.

No pay advances or loans will be made by the City to any employee for any reason.

Workweek. For non-exempt employees, the workweek is a recurring seven-day period beginning at 12:00 a.m. on Saturday and ending at 11:59 p.m. on the following Friday.

Other information related to payroll deductions, automatic deposits, work hours and timekeeping can be found in Section 9 – Finance.

3.5 BASIS FOR ANNUAL COMPENSATION

In most instances, employee salaries (other than certain fire personnel) are based on a forty-hour workweek for fifty-two weeks each year (2080 hours per year). Where regular employment is less than full time (less than 35 hours per week), the employee's salary will be based on the actual number of hours worked times the hourly rate of pay established for that position.

Fire shift personnel are based on an average of 56 hours per week or 2676 per year.

3.6 OVERTIME POLICY

When the City's operating requirements or other needs cannot be met during regular working hours, employees may be required to work overtime. Overtime compensation is paid to all non-exempt employees in accordance with federal and state wage and hour requirements. In some cases, non-exempt employees may accrue flex time in lieu of being paid overtime

compensation as long as the time is flexed within the same pay period the additional hours were worked. (See Flextime Policy below.) Exempt employees are **not** paid overtime compensation.

When possible, advance notification of mandatory overtime assignments will be provided at Department Head discretion. Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action, up to and including, termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

Overtime Rate. Overtime pay for non-exempt employees (excluding certain fire personnel) is at the rate of 1 ½ times the employee's regular hourly rate for hours actually worked in excess of 40 in a work week. Overtime for non-exempt firefighters on a 14-day work cycle is at the rate of 1 ½ times the employee's regular hourly rate for hours actually worked in excess of 106 in the 14-day work cycle. Time off on authorized vacation leave is considered time worked for purposes of performing overtime calculations as long as the employee works at least one full day within the work week or work cycle. Holidays will also be counted as time worked for non-exempt employees (excluding twenty-four hour shift fire personnel) for the purposes of performing overtime calculations.

Prior Authorization Required Before Working Overtime. All non-exempt employees must receive their supervisor's, MoR, and/or Department Head's **prior** authorization **before** performing any overtime work. This means employees may not begin work prior to the start of their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. Employees are responsible for limiting overtime to that which is requested by their supervisor, MoR, or Department Head. In the case of police and fire department employees, only the Chief (or his/her designee) or the City Manager may authorize overtime work. On the employee's time card/sheet, the appropriate supervisor must also approve any overtime before the time card/sheet is submitted for processing and payment. Non-exempt employees who work overtime without receiving proper authorization will be subject to disciplinary action, up to and including possible termination of employment.

3.7 NON-STATUTORY COMPENSATORY TIME FOR EXEMPT EMPLOYEES

Exempt employees receive an annual salary for the performance of services regardless of the number of hours worked. The City has no legal obligation to pay its exempt employees overtime or to provide them with "comp time." The City Manager may, however, from time to time, approve non-statutory

compensatory time off when exceptional circumstances require an exempt employee to put in a significant amount of time in excess of 40 hours in a workweek. In these instances, equivalent time off on a straight time basis may be permitted, but only if the work schedule permits and such time is approved in advance by the City Manager and the employee's MoR or Department Head.

Non-statutory compensatory time should not be authorized for additional hours worked that are typical, expected, and frequently required for all managerial and professional roles in order to meet accountabilities. It should not be authorized for occasional overtime work or for extended but clearly limited periods of additional work that are common to most departments. Nor should it be authorized if an employee chooses to work through lunch periods, to come in early or to leave late, either occasionally or consistently.

Non-statutory compensatory time must be used within the fiscal year in which approved. Exempt employees who wish to be considered for non-statutory compensatory time must account for all hours worked. Arrangements regarding the accrual and use of non-statutory compensatory time by an exempt employee must be documented in writing, signed by the City Manager, and maintained in the employee's personnel file.

3.8 FLEXIBLE TIME

The City of Kennedale has adopted a flex time policy for employees, intended to encourage a productive work environment. Flex time has been established to provide opportunities for employees to maintain their current work levels as well as respond to personal matters. Flexibility in the workplace helps achieve a work/life balance, while impacting morale and consequently, the judicious use of informal flexibility per department is encouraged.

General Guidelines. Flex time is an opportunity for the department and employee to alter a work schedule due to working more than eight hours in a day or to allow employees time to attend to personal matters while still working eight hours per day or 40 hours per week.

Flex time is allowed as long as the department staffing levels are maintained to adequately meet the needs of the residents and customers we serve.

Flex scheduling requires communication and coordination of schedules for all department employees, department supervisor, MoR, and/or department Head as well as the employee requesting the flextime. Any flextime request must be made at least 24 hours prior to the need for the flextime and requires approval of the supervisor, MoR, or department Head.

All flex time schedules must meet the requirements of applicable wage and hour laws.

Types of Flex time. Below are listed several examples of how the flextime policy might apply to various situations.

(A) Occasional Flex

An employee who works one additional hour after 5:00 p.m. to attend a required after hours meeting, may be authorized to report to work one hour late the next morning; or an employee that needs to attend a doctor's appointment mid-day, may be authorized to take a late lunch or work additional time at the end of the day to make up for the time missed for the appointment. **Occasional Flex must be utilized within the same work period as the extra time worked/missed.**

(B) Seasonal Flex

This may be used in a department to handle peak summer workloads or extreme heat and may include altering the entire departments work schedule for the summer months from 8-5 to a 7-4 schedule; or authorizing a half-hour lunch. This type of flex scheduling must be approved in advance by the director and employees must be given adequate notice of the change well in advance of implementation.

(C) Compressed Flex

Compressed flex is defined as a compressed workweek. The most common form of a compressed workweek is working four - 10 hour days with one day off during the week. Any compressed workweek requires prior approval from the City manager and should be considered a temporary short-term schedule. Adequate coverage of tasks is required to ensure the public is still being served during the entire regular business days of operation. This policy does not provide an opportunity to change normal business hours for any department.

Applicability. This policy applies to all employees (regardless of classification). Each department Head has the authority to establish schedules and/or flextime for individual employees or to delegate said schedules and/or flextime to the appropriate management/supervisory levels.

Exceptions. Police and fire personnel have written guidelines addressing uniformed and sworn personnel work schedules. This policy is not intended to supersede any written guidelines pertaining to those departments.

Reasonable Accommodation. The City will make reasonable accommodation when considering flextime applicability for any employee. Employees must request reasonable accommodations from their department Head or human resources. Final approval is authorized by the City manager.

Enforcement Accountability. This policy will be enforced by all supervisory and management personnel. Employees who violate or abuse this policy will be subject to disciplinary action, up to and including termination. An employee who has a question regarding flextime (as defined by this policy) should contact his/her supervisor, manager, MoR, or director for resolution.

Unresolved concerns or questions will be addressed with Human Resources.

3.9 ON-CALL and CALL BACK

The City provides for after-hour service needs when required by allowing some departmental operations to designate non-exempt employees to be on-call. Certain exempt personnel may also be designated as on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by each Department where on-call personnel are utilized.

Call back. During all time after regularly scheduled working hours when an employee has been designated to be available for on-call and subject to call back, the employee is free to pursue personal activities but may be requested to respond to call back (via paging, phone, or radio) within designated guidelines set by the Department. This on-call status is not considered time worked and is not compensable unless the employee responds to a call back. All employees designated to be on-call are expected to be fit (mentally and physically) to accomplish services needed within the time frame required.

Each Department shall establish internal procedures for handling emergency services which could require call back of all employees necessary to provide the needed service, regardless of on-call status. An employee will be considered officially scheduled and designated as on-call only when approved by his/her supervisor in accordance with procedures established by his/her Department.

Compensation. Non-exempt employees will be paid seventy-five dollars (\$75.00) for each week they are on call. In addition, Non-exempt employees who are called back during their on-call status to the workplace will be paid at their regular rate of pay for actual hours worked. Time worked immediately

after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and will be paid at the regular rate of pay until overtime requirements are met.

Employees exempt from overtime compensation are not eligible for compensation under the provisions of this section.

3.10 TEMPORARY ASSIGNMENT PAY

Employees temporarily assigned to perform tasks of a higher-level position for the purpose of learning the position or as on-the-job training, will not be compensated at a higher rate of pay. However, when designated by a Department Head or the City Manager, employees temporarily directed to perform the additional role specification, tasks and accountabilities of a higher-level position will be paid at the base rate of the higher level position or five percent (5%) above their current salary, whichever is greater.

Employees temporarily assigned to perform in the capacity of a Department Head, Assistant City Manager or City Manager will do so at a rate of pay negotiated with the City Manager or City Council when applicable.

A payroll status change form must be completed for all employees designated to serve in a temporary assignment role and approved by the appropriate supervisor and forwarded to the Human Resources for processing.

3.11 LONGEVITY PAY

All full-time employees employed for one year or more shall receive longevity pay in addition to their regular base pay in accordance with the schedule in Section (A) below.

(A) Rates; Eligibility. All regular full-time employees of the City shall receive longevity pay in addition to their regular base pay in accordance with the following schedule:

\$8/month for 1-4 years of service

\$10/month for 5-9 years of service

\$12/month for 10-plus years of service up to a maximum of two thousand eight hundred eighty dollars (\$2,880.00)

(B) Establishment of Eligibility. The date on which an employee must have completed the appropriate years of service is September 30. In order for the employee's time employed to be counted for purposes of calculating his/her years of service for longevity, the employee must have been in the continuous, regular full-time employ of the City for the entire period. Employees incurring a

leave without pay of greater than one (1) normal workday within any month shall not be considered to be in continuous regular full-time employ of the City for that month, except as may otherwise be required by law.

In order to receive payment hereunder, the employee must be in a regular status with the City the month in which the payment is actually made, which is generally the first Friday in December.

(C) Continuity of Service – Exceptions.

(i) Continuity of service in the City's employ shall not be interrupted because of absence due to compulsory military service or due to voluntary military service in the armed forces of the United States of America in accordance with personnel policies and procedures, and all such time spent in the armed forces of the United States of America shall apply toward accrued service for longevity pay.

(ii) Continuity of service in the City's employ shall not be interrupted because of absence when such absence shall have been granted in accordance with the appropriate personnel procedures (i.e. worker's comp injury or family medical leave). None of such time on an approved leave without pay shall apply toward the employee's service credit for determining longevity pay unless the absence was family medical leave or military leave as provided in subsection (i) above.

(D) Separation from Service. In the event any eligible officer or employee dies, retires, or is separated from the service of the City in good standing as defined in Section 8.1, after fiscal year end and prior to the distribution date, , he/she will receive longevity pay on the his/her last paycheck.

(E) The provisions of this policy and the payments authorized hereby shall apply prospectively only.

3.12 INCENTIVE PAY POLICY

Text Placeholder

3.13 PERSONAL EFFECTIVENESS APPRAISALS

Purpose and Objectives. The primary purpose of the Personal Effectiveness Appraisal System is to improve the employee's understanding of his/her role effectiveness and ensure the supervisor understands the employees views

regarding factors that affect his/her effectiveness during the period covered by the evaluation.

Scheduled evaluation meetings provide an opportunity to assess progress, plan for professional development and create future improvement plans. By evaluating an employees' performance on a regular annual basis, supervisors and employees' alike, will know how the employee is doing within the role and tasks assigned, as well as the employees role satisfaction, career goals, training needs, and other vital personnel and performance concerns.

Uses. The Personal Effectiveness Appraisal evaluation process is used to provide supervisors and employees the opportunity to discuss role specification, tasks and accountabilities that focus on performance, encourage and recognize strengths, and discuss positive purposeful approaches for problem solving and positive strategies for improvement of performance and meeting goals.

Annual evaluations do not replace the day-to-day communication needed to coach, encourage and reward employees for performance. The supervisor has the managerial authority to evaluate daily, weekly, monthly and annually how well a subordinate is doing in achieving outputs including unforeseen, unexpected and unplanned-for circumstances that inevitably arise in the course of work. The supervisor/manager is then accountable to communicate their evaluation with the employee, maintain clear documentation for personnel decisions to promote, demote, deselect, and initiate training or recommendation for merit increases.

Ratings. Because the evaluation process is designed as a two-way meeting, the rating system is based on the overall judgment of the supervisor/manager who will provide an overall written assessment of effectiveness. Supervisors will utilize judgment free from discrimination and retaliation. The supervisor's assessment will be based on the overall performance of the employee not on individually rated tasks. With this approach, the process is established with two ratings. Either the employee has successfully accomplished role effectiveness or improvement in role effectiveness is required.

This rating system allows for more open discussion about performance, obstacles and hindrances to role effectiveness and collaboration efforts to meet departmental and Citywide goals, rather than focusing on individual ratings of tasks.

Annual Meeting. Specific appraisal steps for the meeting include the following:

- a. Overview of Leadership and organizational direction
- b. Feedback on performance and personal capabilities

- c. Feedback on performance as related to core values
- d. Discuss performance specifics that relate to:
 - i. Obstacles to improvement
 - ii. Training and necessary skills
 - iii. Individual needs
- e. Feedback on interpersonal relations
- f. Review previous commitments and action items
- g. Establish future action items, targets and goals
 - i. Discuss resources needed to accomplish goals
 - ii. Discuss personal concerns or potential problems with future action items.

Scheduling. Supervisors and employees are strongly encouraged to discuss personal effectiveness role specification performance and goals on an informal, day-to-day basis. The Human Resources Department has an informal monthly form that can be used to document the two-way meeting if needed.

A formal Personal Effectiveness Appraisal should be conducted once annually, in December of each year. New employees should receive at least one formal evaluation prior to the completion of their probationary period. All formal evaluations will be maintained in the employees personnel file.

Interim formal evaluations may be given at the discretion of the supervisor, MoR or Department Head based on employee effectiveness. If an employee is demoted or placed on disciplinary probation, a Personal Effectiveness evaluation should be completed prior to the end of the probationary period and within 90 days after demotion.

Temporary employees will be evaluated upon termination of their employment to document the employee's level of personal effectiveness for use in the event the employee applies for regular employment at a later date.

Appeals. Employees, who receive an overall rating requiring improvement in role effectiveness, may appeal this rating through the Employee Appeals Policy as outlined in Section 7.2.

3.14 PROMOTION FROM WITHIN

It is the City's policy to promote from within whenever management believes a current employee has the requisite skill and ability to perform effectively in a vacant role. The City may, however, in its sole discretion, elect to look outside

the City to fill a particular position without considering current employees. Employees who desire a change in role should discuss the matter with their Department Head and submit an application to the Human Resources Department.

3.15 TRANSFERS

Under certain circumstances, non-promotional reassignments (“lateral transfers”) may be approved if determined by management to be in the best interests of the City and/or the employee. Transfers may be initiated by either the employee or the City and normally occur in response to the business needs of the City and/or other extenuating circumstances. Lateral transfers are usually reassignments from one role to another of comparable tasks, accountabilities and salary.

3.16 DEMOTION

An employee may be demoted from a role in one stratum to a role of another stratum. A demotion may result from an unfavorable personal effectiveness appraisal, a transfer, or as a result of a disciplinary action.

SECTION 4

EMPLOYEE HOURS, ATTENDANCE, LEAVE AND ABSENCES

4.1 REGULAR HOURS

Employees of the City normally work 40 hours in a five-day work week (Monday-Friday). The regular workday begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours. For example, most non-exempt Fire Department personnel work a 24-hour shift every third day, based on a 14-day, 106 hour work cycle. Employees are expected to be at their work stations and ready to work at their scheduled start time.

4.2 ADJUSTMENT TO WORK HOURS

In order to assure the continuity of City 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. Your acceptance of work with the City is your agreement that this will not create an undue hardship on you or your family and that you will be available to do such work.

4.3 MEAL PERIODS AND BREAKS

Full-time employees (excluding most Police and Fire Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by your Department Head between the hours of 11:00 a.m. and 1:30 p.m. in order to minimize departmental interruption. Your supervisor will provide you with the starting and ending time for your specific meal period. Employees will be relieved from role accountabilities during unpaid meal breaks. Non-exempt employees must record the beginning and ending times of their meal break. Employees may not extend meal breaks beyond their assigned period.

Full time employees may, depending on individual departmental work schedules and the discretion of their supervisor, take up to two short, paid work breaks each day, one during the first part of the work day and the other during the latter part of the work day. Each such break may not exceed fifteen minutes in length.

4.4 ATTENDANCE RECORDS

Non-exempt employees are required to record the number of hours worked each day.

4.5 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on your co-workers. Either may lead to disciplinary action, up to and including termination of employment.

In the rare instance when you cannot avoid being late to work or are unable to work as scheduled, you must personally notify your supervisor **as soon as possible** in advance of the anticipated tardiness or absence. You must disclose to your supervisor the reason for the absence or tardiness and the date/time of your anticipated arrival. For absences of a day or more you must personally notify your supervisor on **each** day of your absence unless your supervisor expressly waives this requirement. If an employee is unable to contact his/her supervisor, the employee should notify the Human Resources Department giving a phone number where the employee can be reached, the name of his/her supervisor, the reason for the absence, and the probable time that he/she will report to work. Police and Fire Department personnel must report their tardiness or absence in accordance with their Departmental rules and regulations.

In most instances, an employee who fails to properly notify his or her supervisor in advance of an absence or tardy will be subject to disciplinary action up to and including termination of employment. If an employee is absent from work for two (2) or more consecutive work days without making proper notification, this absence will be considered a voluntary resignation. If such a situation occurs, and the employee later returns to work with documentation proving that such absence was totally beyond his/her control and it was impossible to provide the necessary notification, then reinstatement may be considered.

4.6 PAID VACATION LEAVE

Vacation leave accrues for each pay period that an eligible employee is in a pay status for at least half the standard number of paid days for that pay period.

Accrual Rate (Except for "Twenty-four-hour Shift" Employees of the Fire Department). Regular employees begin accruing paid vacation leave during their first full pay period of employment. Regular full-time employees accrue vacation leave as follows:

<u>Years of Service</u>	<u>Rate of Accrual</u>
0.00- 3.00	96 hours per year (3.69 hours per pay period)
3.01- 4.00	112 hours per year (4.30 hours per pay period)
4.01- 5.00	136 hours per year (5.23 hours per pay period)
5.01+	160 hours per year (6.15 hours per pay period)

Regular part-time employees and temporary and seasonal employees do not accrue vacation leave. An employee's "Years of Service" may be adjusted for any significant leave of absence, except military leave or an employee taking family medical leave.

Accrual Rate for "Twenty-four-hour Shift" Employees of the Fire Department.

During their first full pay period of employment, firefighters performing 24- hour shift work on a regular basis begin earning vacation leave in accordance with the following schedule:

<u>Years of Service</u>	<u>Rate of Accrual</u>
0.00- 2.00	120 hours per year (4.61 hours per pay period)
2.01- 3.00	144 hours per year (5.53 hours per pay period)
3.01- 4.00	168 hours per year (6.46 hours per pay period)
4.01- 5.00	204 hours per year (7.85 hours per pay period)
5.01+	240 hours per year (9.23 hours per pay period)

An employee's "Years of Service" may be adjusted for any significant leave of absence, except military leave or an employee taking family medical leave.

Department Heads. The City Manager may approve additional vacation time for Department Heads as a condition of employment when hired by the City.

Maximum Accruals. It is the policy of the City that vacation should be taken annually in the year earned. If vacation leave is not taken, all accrued vacation leave in excess of 240 hours will be forfeited after September 30 of each year for all employees except twenty-four hour shift employees of the fire department. For twenty-four hour shift employees of the fire department, leave in excess of 360 hours will be forfeited after September 30 of each year. However, no employee shall lose accrued vacation leave because of "work

urgency.” “Work urgency” is defined as the Department's need to have the employee at work to perform duty assignments for a specified period of time. If an employee has reached the maximum allowed unused balance and is unable to take vacation leave due to work urgency, injury, extended medical leave, or special or pre-scheduled authorized leave, the Department Head will approve an extension of time to allow the employee a period not to exceed six months to use accrued vacation leave in excess of the maximum allowed unused balance. Documentation of the approval will be placed in the employee's personnel file.

Scheduling Annual Vacation Leave. For each vacation hour used, one hour will be deducted from the employee's accrued vacation leave. Vacation leave must be taken in minimum increments of one-half hour (30 minutes). Department Heads are responsible for scheduling annual vacation leave for employees under their authority. Department Head vacations require City Manager approval. Whenever possible, vacation leave will be scheduled at the convenience of employees. However, Department Heads must be certain that vacations do not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred vacation schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop.

Compensation For Leave Time. Vacation leave is paid at the employee's base pay rate at the time of vacation. Vacation leave will be paid only for time that the employee would ordinarily have worked. Vacation leave is considered time worked for purposes of calculating overtime payments.

Employees may not “borrow” unearned vacation time, *nor will the City buyback vacation time from an employee.* However, upon termination of employment, employees in good standing (as defined in Section 8.1) having accrued but unused vacation leave will be paid for that vacation time, up to 160 hours (including twenty-four hour shift personnel), at their regular hourly rate at the time of termination.

Probationary Employees. Newly hired, probationary employees are not eligible to take vacation time until they have completed six-months of service with the City. Vacation leave is forfeited if employment is terminated before a probationary employee completes six-months of service.

4.7 HOLIDAYS

It is the City's policy to permit as many employees as possible to enjoy a day off without loss of pay on holidays. However, any or all employees may be required to work on a holiday.

Official Holidays. The City usually observes the holidays listed below, plus one personal holiday. When a holiday falls on a Saturday or Sunday, the holiday will normally be observed by the City on the day designated by the federal government (i.e., the Friday before or the Monday following).

New Year's Day (January 1)
Martin Luther King, Jr. Day
Good Friday
President's Day
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (first Monday in September)*
Thanksgiving (fourth Thursday in November)
Day after Thanksgiving
Christmas Eve Day (December 24)
Christmas (December 25)
Personal Day

**In compliance with the Texas Local Government Code section 142.0013, firefighters shall receive a holiday designated as September 11 in lieu of Labor Day. City Council approved this action on August 13, 2009.*

Eligibility. Only regular full-time and part-time employees are eligible for paid holidays. To be eligible for holiday pay, non-exempt employees must work their regular schedule immediately before and after the holiday, or use paid leave time, unless otherwise approved by their Supervisor, MoR or Department Head. Employees on a leave of absence without pay the work day before a holiday are ineligible for holiday pay.

Holiday Rate of Pay.

Regular Non-exempt Employees (excluding public safety personnel (fire, police and dispatchers). Full-time employees who work on a holiday will be paid eight hours of holiday pay, plus time and ½ for each hour actually worked.

Holidays will be counted as hours worked for the purpose of determining overtime for full-time non-exempt employees, for example: if a holiday falls on Monday, the employee receives eight (8) hours holiday pay; then if the employee works an additional 35 hours that week, the employee would receive three (3) hours of overtime.

Regular part-time employees who do not work on a holiday receive holiday pay equal to the number of hours they normally work on the day of the week on which the holiday falls.

Public Safety Employees. Public Safety personnel will receive holiday pay as the holidays occur. Police and dispatch personnel will be entitled to eight (8) hours of holiday pay, fire shift personnel will be entitled to twelve (12) hours of holiday pay; plus their regular rate of pay for each hour actually worked on the holiday.

If an employee calls in sick the day the authorized holiday occurs, due to it being a normal shift day, the employee will be paid for the holiday and the time will not be charged against the employee's sick leave accrual.

Exempt Employees. Employees who work on a holiday will receive a day off with pay at a later date.

Holidays During Paid Leave. Employees taking vacation that includes an authorized holiday during their paid time off will be paid for the holiday without that day being charged against the employee's paid vacation time.

Non-Scheduled Religious Holidays. An employee may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. Time off for such absences may be taken as vacation, a personal holiday, an excused absence without pay, or may be exchanged for working on one of the City's designated holidays without receiving holiday pay.

Personal Day Holiday. Employees are able to use their personal day on the first day of employment. This leave can be used in one hour or more increments and can be used for reasons similar to those used for vacation. Using a Personal Day will require prior approval of your supervisor, MoR or Department Head. The personal day holiday must be used each year by September 30 or it is forfeited.

4.8 SICK LEAVE

Eligibility. All regular full-time employees begin accruing paid sick leave during their first full pay period of employment. Part-time, temporary and seasonal employees do **not** accrue sick leave. Employees may use sick leave as it accrues.

Accrual Rate (Except for "Twenty-four-hour Shift" Employees of the Fire Department). For full-time regular employees, sick leave typically accrues based on an 8-hour day, at the rate of 3.69 hours per pay period. Sick leave does not accrue when an employee is in a leave without pay status for more than half the pay period or when an employee receives workers' compensation pay benefits for the full pay period.

Accrual Rate For "Twenty-four-hour Shift" Employees of the Fire Department. Twenty-four-hour shift employees accrue sick leave based on a 24-hour day,

at the rate of 5.54 hours per pay period. Sick leave does not accrue during a pay period in which an employee is in a leave without pay status for more than ½ the employee's workdays in the pay period or when an employee receives workers' compensation pay benefits for the full pay period.

Authorized Use of Sick Leave. Accrued sick leave may be used for absences due to the employee's personal illness, accident, or injury, or absences when the employee is needed to care for a member of his or her immediate family who is ill and who resides in the employee's house. Use of sick leave by employees to care for an immediate family member is limited to five days (or shifts) each year unless such leave is covered by the Family Medical Leave (see FML Policy.) Sick leave may also be used by employees for doctor and dentist appointments.

Employees who are unable to work due to illness or injury must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

Sick leave must be taken in minimum 1/2-hour increments.

Use of sick leave is subject to the City's Long Term Absence/Termination Policy, found in section 10.9 of these policies, which provides that any employee who is absent from work for more than six consecutive months, for whatever reason, will be terminated, except for obligations under ADA including consideration for extending leave as a reasonable accommodation.

Sick leave may not be used if the illness, accident or injury is acquired as a result of other employment.

Failure to Report Absence/Abuse of Sick Leave. Abuse of sick leave, including use of sick leave for anything other than as provided for in this policy, will likely result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness or injury may be disqualified from using sick leave for their absence. Employees on sick leave, whether paid or unpaid, may not work a second job (whether paid or voluntary) during the period of leave.

Use of Other Leave. If approved by the Department Head (and in the case of Department Heads, by the City Manager), accrued vacation leave, other accrued paid leave, or leave of absence without pay may be used if an employee has no accrued leave time.

Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a holiday under the City's Holiday Policy.

An employee who qualifies for use of sick leave during a scheduled vacation leave may be permitted to use sick leave instead of vacation leave for a qualifying absence. In such an instance, the employee must notify his or her supervisor, MoR or Department Head immediately rather than waiting until the employee returns to work. Supporting documentation will be required in such cases.

Documentation. Supervisors closely monitor use of sick leave. An employee may be required to present satisfactory proof of illness/injury whenever he/she uses sick leave for three or more consecutive work days, and at any other time he/she requests use of paid sick leave if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness if the employee wishes to use accrued sick leave to care for a sick family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave will likely result in discipline, up to and including termination of employment.

Family and Medical Leave. Any absence which qualifies for both family medical leave and sick leave will be counted as both.

Payment for Unused Sick Leave. Employees who terminate employment in good standing (Section 8.1) and have not been terminated for disciplinary reasons are eligible to receive compensation for a portion of their accrued sick leave. No compensation will be paid unless the employee has accrued a minimum of 101 hours, then compensation will be calculated as a percent of the employee's regular hourly rate as listed below, rounded to the nearest hour.

<u>ACCRUED SICK LEAVE COMPENSATION</u>			
<u>Hours</u>	<u>% Hourly Rate</u>	<u>Hours</u>	<u>%Hourly Rate</u>
000-100	0	301-400	40
101-200	20	401-599	50
201-300	30	600+	60

Using the accrued sick leave compensation schedule, an employee with 210 accrued sick leave hours would be paid 30 percent of their hourly rate for those 210 hours upon separation from employment. The maximum sick leave payment would be 60 percent of an employee's hourly rate times 600 hours unless specified differently in the City Charter, Ordinance or employment agreement.

4.9 SICK LEAVE DONATION

Objective. This policy is intended to assist all regular full-time employees if a serious health condition forces an employee to exhaust all leave time, with a loss of compensation thereby causing a financial hardship to the employee.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- (i) inpatient care in a hospital, hospice, or residential medical facility; or
- (ii) continuing treatment by a health care provider.

The uncomplicated delivery of a child at the conclusion of a pregnancy is not considered to be a serious health condition.

This policy excludes illness or injuries covered under other benefit programs including but not limited to injury leave, workers' compensation, limited duty, light duty, and long-term disability.

Program Donations. Program donations are requested once an application form requesting a donation is submitted to Human Resources. In order to voluntarily donate unused accrued sick leave, an employee must be a regular, full-time employee and have satisfactory attendance. An employee will be required to have a balance of sick/vacation available to be able to participate in donating. Vacation time may be donated only after all sick time has been expended.

Eligibility Requirements. Participation to receive a donation is open to all regular full-time employees with satisfactory attendance, who have exhausted all paid leave benefits and exhibit a personal need that is consistent with the policy. A written application to Human Resources is required and must include any necessary documentation requested to substantiate the request for donation.

An employee with written disciplinary action regarding unsatisfactory attendance is not eligible to participate (receive or donate) in this program.

Application for Participation. In order to apply for donation, an employee must:

- (i) Meet the eligibility requirements of the program (stated above).
- (ii) Have exhausted all available paid leave benefits (vacation, sick leave, holiday and personal day, etc.).
- (iii) Exhibit a personal need that is consistent with the policy
- (iv) Agree to abide by all requirements regarding participation.
- (v) Make written application to the Human Resources Department.
- (vi) Provide any and all documentation requested to substantiate the request.

Application Review Process. Human Resources will review the written request and supporting medical documentation, to determine eligibility.

Notification and Use. If the request is approved, Human Resources will contact the requesting employee to determine what information may be released to other employees in notifying other employees of the need. Human Resources will then notify all employees via email of the employee need. Notification will comply with confidentiality requirements concerning health information of the requesting employee and will only include information the requesting employee has authorized to be released. It is then a voluntary decision of each employee whether to donate leave. Employees wishing to donate time must complete a donation form indicating how many hours they wish to donate.

The Finance Department will track donation and hours used. Donated hours will be transferred to the requesting employee in the order the forms are received, as much as possible. Employees who donate hours that are used for the requesting employee will receive notice from Finance. The requesting employee's supervisor will be notified of the requesting employee's approval to receive donations and will be kept apprised of the hours donated and their usage. Once all donated hours are used, if the employee continues to remain off work, the employee may be placed in an unpaid leave status. In accordance with the maximum leave policy.

Duration of Award. Paid leave will not be granted beyond what is donated. Once donated time is exhausted the employee may be placed in an unpaid leave status in accordance with the maximum leave policy.

Termination of Awarded Time. Donation time ends when the maximum time received has been exhausted, the employee goes on short-term disability or qualifies for other benefit policies (accident or hospitalization policy) or the employee returns to work on light duty, limited duty or returns to work on a full-time basis.

Donation benefits provided shall also be terminated immediately if it is determined that an employee has misrepresented his/her need, falsifies information, or has used or attempted to use donated leave for activities not consistent with the intended purposes.

No employee will be eligible to receive separation pay for leave donated by other employees under this program.

Return to Work. Prior to returning to work, the employee's treating physician must review, certify that the employee can perform the essential role specifications and accountabilities. The City will require an employee to be

medically released (i.e., able to perform his/her essential role specifications and accountabilities with or without a reasonable accommodation) before returning to full and regular duty.

4.10 BEREAVEMENT LEAVE

Upon approval of the Department Head, up to five working days of paid leave per occurrence may be provided to regular full and regular part-time employees to allow the employee to attend the funeral and make any necessary arrangements associated with the death of an immediate family member.

Immediate family member is defined as: grandparents, parents, children, siblings, grandchildren and spouses immediate family as listed.

An employee who wishes to take bereavement leave must notify his or her supervisor as soon as possible so that arrangements can be made to accommodate the employee's absence. Employees may, with their supervisor's approval, use any available paid vacation leave and/or other accrued leave time for additional time off as necessary.

The City may require proof of death/funeral in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime. Paid time off for bereavement leave is **not** counted as hours worked for purposes of determining overtime.

4.11 JURY DUTY LEAVE

The City encourages employees to fulfill their civic responsibilities by serving on jury duty when required. Accordingly, regular full-time and part-time employees will be paid their normal earnings for time spent serving on a jury during regularly scheduled work hours. Jury duty leave is paid at the employee's base pay rate at the time of jury duty and does not include overtime. Paid time off for jury duty is not counted as hours worked for purposes of determining overtime.

Employees must show their jury duty summons to their supervisor as soon as possible so that arrangements can be made to accommodate their absence. The employee may keep any jury fees paid for jury duty. Employees are expected to report to work whenever the court's schedule permits.

4.12 WITNESS DUTY LEAVE

The City encourages employees to appear in court for witness duty when subpoenaed. If employees have been subpoenaed or otherwise requested to

testify as witnesses by the City, it will be considered part of their role accountabilities and treated as hours worked.

When employees are requested or subpoenaed to testify in court by a party other than the City, they may use any available paid vacation, holiday or other accrued leave for this absence. If the employee has no available vacation, holiday or other accrued leave time, any time off for witness duty will be unpaid.

A subpoena for witness duty must be shown to the employee's supervisor immediately after it is received so that employee staffing can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court's schedule permits.

4.13 TIME OFF TO VOTE

Employees are encouraged to exercise their right and responsibility to vote in national, state or municipal elections; however, employees are expected to vote during their non-working hours. If an employee needs additional time to vote, up to two hours paid leave may be authorized at the beginning or end of the work day. An employee must request time off to vote (in writing) from his or her supervisor at least three working days prior to Election Day. Any employee requesting paid time off for this purpose must show evidence of eligibility to vote, (a current voter registration card) when making the request.

4.14 MILITARY LEAVE

The City complies with all federal and state laws relating to employees in reserve or active military service, and does not discriminate against employees who serve in the military. The City supports its employees and their service in state and national military units and provides them with a number of military leave benefits.

This policy covers regular employees who serve in reserve or active military service, on a voluntary or involuntary basis. Please note, this policy is generally not applicable to temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue for a significant period of time.

Notice to City of Need for Leave. Employees must provide as much advance written and/or verbal notice to the City as possible for all military duty leave (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit the necessary documentation, including the official documents setting forth the

purpose of the leave and, if known, its duration. This documentation must be submitted to your Supervisor, MoR, Department Head or the Human Resources Department as far in advance of the leave as possible.

Paid Leave for Training and Duty.

- (A) **Full Pay For Up to 15 Days.** In accordance with Section 431.005, Texas Government Code, regular full and part-time employees of the City will be paid for military absences of up to 15 workdays per fiscal year (October 1 through September 30). For purposes of calculating paid leave time, the City may temporarily transfer 24-hour shift employees to a 40-hour, 7 day work-week schedule. This paid military leave may be used when an employee is engaged in National Guard or U.S. armed forces training or duty ordered or approved by proper military authority. The paid leave days may be taken consecutively or scattered throughout the year.
- (B) **Other Paid Leave.** Employees who are not eligible for paid military leave or who have exhausted all available paid military leave may, at their option, use any other available paid leave time, *except sick leave* (i.e., vacation or holiday leave) to cover their absence from work.
- (C) **Unpaid Leave.** After an employee has exhausted all available paid military leave (and 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 for up to 5 years.
- (D) **Benefits.** The City will continue to provide employees on paid military leave with most City benefits.
- (E) **Medical and Dental.** While an employee is on military leave of less than 31 days, the City will continue to pay its portion of the monthly premium for group health benefits. When military leave exceeds 31 days, the employee may elect to continue group health coverage for up to 18 months following separation of employment or until their reemployment rights expire, whichever event occurs first, for himself/herself and eligible dependant.

Upon an employee's return to employment following military service, the City 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.

- (F) **Other Benefits.** While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefit accruals, 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. Upon return to active employment following military leave, employees will be treated as though they were continuously employed for purposes of determining seniority and benefits based on length of service, such as vacation accrual.
- (G) **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 City 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.
- (H) **Returning from Leave.**
- (i) **Reemployment Rights.** In most cases, employees who complete their military service will be re-employed in their previous position or a similar position with the City. Federal law requires that employees returning from military leave be rehired in the position they would have had if they had been continuously employed. Since most roles and promotions in the City are not awarded based on seniority, it is impossible to know what role an employee might have had if he/she had been continuously employed. This means most employees returning from military leave will typically be restored to the role they held at the commencement of their military leave.
- (ii) **Deadline to Notify City of Intent to Return to Work.** The deadline for an employee to return to work and/or notify the City that he/she intends 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 years or more when an employee suffers service-related injuries that prevents him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

- (iii) **Required Documentation.** To qualify to return to work, 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 conditions must be submitted to the City if the military leave lasted more than 31 calendar days.
- (iv) **Rights to Continued Employment.** Employees who actively serve in the military, and take military leave in excess of six months will not be discharged by the City without cause for one year following the date of their reemployment. Employees who actively serve for between one and six months will not be discharged without cause for six months following the date of their reemployment.
- (v) **Changed Circumstances.** If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City has no legal obligation to reemploy an employee following his/her return from military leave. (For example, a reduction-in-force that eliminates the position held by an employee returning from military leave.) The City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.

4.15 AUTHORIZED LEAVE WITHOUT PAY

In circumstances not falling within other leave policies, the City Manager may, upon the recommendation of the appropriate Supervisor, MoR or Department Head and in his or her sole discretion, authorize leave without pay. Example of factors considered by the City in granting leave without pay include the reason for the leave, departmental work requirements, and the employee's work performance and disciplinary history. Such leave will normally be granted up to a maximum period of 30 days. The Employee may seek extensions of leave up to a maximum of six months. This policy will be administered consistent with the City's obligations under the Americans with Disabilities Act.

Documentation. Requests for leave without pay must be made in writing to the employee's Supervisor, MoR or Department Head as far in advance as possible prior to the requested leave date. Requests for an extension of leave must also be in writing and submitted to the Supervisory, MoR or Department Head. The need for a medical leave of absence must be supported by documentation as required by law and these policies.

Before returning to work from a medical leave of absence, the employee will be required to submit a letter from his or her treating physician stating that the employee is able to resume normal role tasks and accountabilities, as outlined in the employee's role specification form.

Other Employment During Leave. Under no circumstances may an employee on an authorized leave without pay work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Head and the City Manager.

Anniversary Date. An employee's anniversary date may, for purposes of annual personal effectiveness appraisals and benefit eligibility and accrual, be changed to account for extended absences from work. With the exception of military leave, any leave without pay exceeding 30 calendar days will result in the employee's anniversary date being changed by adding the exact number of days of leave to the employee's existing anniversary date.

Reinstatement. Employees returning from "Authorized Leave Without Pay" will be reinstated to their same position or one of similar pay and status provided the City's circumstances have not changed to the extent that it would be impossible or unreasonable to provide reinstatement. If the same role or one of similar pay and status is not available, reinstatement may, at the City's discretion, be deferred until a position is available. An employee who fails to return to work at the conclusion of an approved leave of absence will be considered to have voluntarily resigned his or her employment with the City.

Payment of Insurance Premiums. Any insurance premiums, or partial premiums, normally paid on behalf of the employee by the City will **not** be paid by the City beginning the first day of the month following the starting date of an unpaid leave of absence. (Note: The City will continue to pay its portion, if any, of group health insurance premiums for any family medical leave). Employees who have group health or any other kind of insurance through the City continue to be responsible for paying their portion of the premiums while on a leave of absence. An employee's failure to pay insurance premiums due during a leave of absence may result in cancellation of coverage.

Benefits. Vacation, sick leave, holiday pay and other benefits do not accrue during an unpaid leave of absence.

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

Revocation. The City Manager may revoke "Authorized Leave Without Pay" at anytime.

4.16 SHORT-TERM UNPAID LEAVE FOR EXEMPT EMPLOYEES

Exempt employees may take a partial day of unpaid leave only under the following circumstances:

- (A) Unpaid leave may be taken pursuant to the Family and Medical Leave Act.
- (B) Pursuant to principles of public accountability, an absence of less than one work-day may be taken for personal reasons or because of illness or injury when accrued leave is not used because permission for its use has not been sought or has been sought and denied; accrued leave has been exhausted; or the employee chooses to use leave without pay.

In all other situations, exempt employees who wish to take unpaid leave for personal reasons may not take a partial day of unpaid leave; unpaid leave may only be taken in full-day increments.

No deductions will be made from an exempt employee's salary for absences, whether for a full or partial day, if the absence is caused by the City or by the operating requirements of the City, e.g., if City Hall is closed due to bad weather, if City Hall is closed for an official City holiday, or if there is no work to be performed. Further, exempt employees will be paid for absences caused

by jury duty, or attendance as a witness in a legal proceeding where the employee is not a party (unless it is job related). The City may, however, offset an exempt employee's salary by the amount the employee receives for jury or witness fees.

This policy is subject to the general rule that, absent accrued paid leave time, an employee need not be paid for any work week in which no work is performed.

4.17 ON-THE-JOB INJURY LEAVE/WORKERS' COMPENSATION

Most on-the-job injuries are covered by the City's workers' compensation insurance. Employees may supplement any workers' compensation wage benefits with any accrued vacation, holiday, or sick leave. However, in no event will an employee be paid more than 100% of his or her regular pay.

Coverage. The City provides workers' compensation coverage for all employees through the Texas Municipal League Intergovernmental Risk Pool. The Fund provides for medical expenses and partial compensation to employees injured on the job. The cost of such coverage is paid by the City and covers most injuries sustained on the job. Neither the City nor its workers' compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City. Such injuries, however, may be covered under your personal medical insurance plan.

Report of Accidents and Injuries. All employees must comply with any initial reporting requirements established by the City. Supervisors, in turn, must complete the DWC-1 form and have it delivered to the Human Resources Department within 24 hours of the time and date of the incident. Thereafter, an employee on worker's compensation leave must report to the department on a weekly basis, or as otherwise directed by their MoR or Department Head. An employee must immediately notify Human Resources and their department when released to return to work.

The workers' compensation supplemental report form (DWC-6) from the treating physician is required for all time missed due to the on-the-job injury. This form must be provided to the Human Resources Department, on the date of the office visit.

If an employee is released to return to work, the treating physician must provide a DWC-6 form stating the employee is released. If the employee continues to have problems after returning to work, the employee must return to the treating physician. The City will not cover time away from work as

workers' compensation unless specifically and expressly designated by the employee's treating physician.

Filing Claims. All workers' compensation claims must be filed with the Human Resources Department through appropriate supervisory channels.

Salary Continuation Benefits. Temporary, part-time, and seasonal employees, as well as full-time employees who have not completed their initial probationary employment period, as defined in section 2.7 are ineligible for salary continuation benefits.

When a regular, full-time employee incurs an on-the-job injury or illness that will require the employee to remain off work for a period of time, the employee is eligible for salary continuation benefits. The salary continuation benefit is designed to supplement the employee's workers' compensation pay (which is approximately 70%) with another approximately 30%, so the employee continues to receive full pay for a period of not more than six months per injury. To receive salary continuation benefits, the injured employee is required to exchange his/her workers' compensation weekly payments for a regular biweekly pay check.

Under no circumstances will an employee on workers' compensation leave receive paid benefits (e.g., workers' compensation, salary benefits, salary continuation benefits, disability insurance benefits, or paid leave time) in excess of the amount the employee would normally receive in base salary/wages (excluding overtime, shift differential, or any other type of extra compensation) if the employee was not injured and able to return to work.

The City's workers' compensation coverage through TML-IRP is provided through the Political Subdivision Workers' Compensation Alliance, in accordance with Chapter 504 of the Texas Labor Code. The Alliance approves certain treating physicians for care of injured employees. The approved doctor list can be found at www.pswca.org or by calling 866-997-7922. An employee may elect his or her own physician, however he/she risks being responsible for payment to that provider, and forfeits eligibility for salary continuation benefits.

Salary continuation benefits will also be denied under the following circumstances:

- Injury/illness is caused by the employee's failure to use safety devices provided by the City.
- Injury/illness results from the employee's intoxication or the influence of alcohol or a controlled substance.

- The employee violated a City and/or departmental policy, including failure to timely report a work-related injury or illness to the appropriate City supervisor.
- Accident or injury is attributed to horseplay, failure to follow City and/or departmental safety practices or policies or carelessness.

Salary continuation benefits are forfeited and may be subject to repayment if the employee:

- Fails to keep medical appointments, does not timely communicate with the City as required and/or does not follow guidelines provided by the Human Resources Department.
- Is found to be volunteering or working secondary employment while on workers' compensation leave.
- Resigns, is discharged for any reason, retires or dies while receiving salary continuation.
- Fails or refuses to comply with the treating physician's instructions regarding treatment of the on-the-job injury/illness.
- Refuses to perform limited, partial, or part-time duty in the same or comparable pay stratum to that which he/she is regularly assigned when authorized by the treating physician and offered by the City.
- Is not available by phone to the Human Resources Department and/or the employee's department during the employee's normal work hours.
- Opts to use his/her own physician instead of the Workers' Compensation Alliance approved doctor list for treatment of the on-the-job injury/illness.

Modified Duty. Every effort will be made to return injured employees to the workplace as soon as medically released. The Human Resources Department will coordinate the employee's return to work with the employee's Supervisor, MoR or Department Head. Modified duty will be offered if a work assignment exists within the City which meets the employee's current abilities as documented by the employee's treating physician; and a modified duty work assignment would enhance recovery and facilitate the employee's return to the regular duty. **Modified duty work assignments will not be created.** A modified duty work assignment may last until the time that the treating

physician has set as the expected date of return to regular duty, but modified duty will not exceed three months unless the City Manager gives written approval for a longer period. As a condition of continuing in a modified duty work assignment, an employee must adhere to the treating physicians prescribed treatment plan and make reasonable efforts toward rehabilitation; accept progressively more demanding assignments as the employee's condition improves; and make visible progress in returning to full role specification capabilities.

An employee's modified duty work assignment will be terminated immediately if:

- (A) the employee is found performing beyond the modified duty restrictions;
- (B) the work assignment is completed;
- (C) the employee performs unsatisfactorily in the role or task assigned; or
- (D) budgetary constraints do not allow continuation of the modified duty assignment.

An employee who does not agree or accept a bona fide offer of employment, including a modified duty work assignment that has been approved by his/her treating physician, may be subject to disciplinary action (e.g., termination) and/or a reduction in income benefits, as allowed by the Texas Workers' Compensation Act.

Twenty-four hour shift employee may be reassigned to 40 hour work weeks by the Department Head.

The City reserves the right to require an employee to be medically released with no restrictions before returning to regular duty.

Use of Accrued Leave to Supplement Compensation Benefits. Employees who do not qualify for salary continuation benefits or who do not wish to be bound by the restrictions imposed for salary continuation benefits, may use any available paid leave time to supplement their worker's compensation salary benefits.

Maximum Injury Leave Benefit Allowed. In all cases, the maximum amount of injury leave available is six months. Injury leave can be extended on a month by month basis up to an additional six months should the employee have available leave, sick and/or vacation, time to cover the required time off. Monthly progress reports including documentation from the treating physician

that indicate progress is being made is required as part of the extension approval. All requests for an injury leave extension beyond six months should be requested in writing to Human Resources with final approval authorized by the City Manager. No extensions will be granted beyond the 12 months, except as required by law in compliance with ADA.

FMLA. An injury sustained on the job, and covered under workers' compensation, generally meets the criteria for designation as family medical leave. If the employee is eligible for family medical leave, the first twelve weeks of a workers' compensation injury/illness will be counted toward the employee's annual family medical leave allotment. See the FMLA policy for eligibility requirements.

Please note that if prior family medical leave has been taken, the calculation of leave time available is measured forward from the date the employee's first family medical leave began. Total annual family medical leave available is twelve work weeks in a twelve month rolling period.

TMRS. Employee contributions to TMRS made on the basis of temporary income benefits received through workers' compensation may be made on a voluntary basis through a special arrangement with the City. It is the employee's responsibility to initiate such an arrangement by timely contacting the City's Human Resources Department and completing the necessary paperwork.

4.18 LIGHT/MODIFIED DUTY

Light duty assignments for employees with a disability, illness or medical condition which makes them unable to perform their regular role specifications and accountabilities are made at the sole discretion of the City, for up to a maximum of three months. The City may terminate a light/modified duty assignment at any time in its accordance with the City's operational needs. While a genuine effort will be made to locate light/modified duty assignments for employees when temporary medical restrictions preclude their return to their regular duties, the City will not create light/modified duty assignments.

Light/modified duty assignments must be coordinated through the employee's Supervisor, MoR, and/or Department Head and Human Resources. Light/modified duty assignments may be in the employee's own department, or in another department, depending upon the employee's circumstances and needs of the City. Employees with an on-the-job injury or illness will be given priority over other employees in the assignment of light/modified duty roles. The duration of light/modified duty should be the lesser of the duration of the medical restriction or three months. At the end of three months, the case shall be reviewed for determination of status.

Twenty-four hour personnel may be reassigned to 40 hour weeks by the Supervisor, MoR, or Department Head.

Employees on family medical leave may have the option, but will not be required, to perform a light/modified duty assignment. If the employee refuses a light/modified duty assignment, it will not affect the employee's entitlement to family medical leave, but may render the employee ineligible for workers' compensation salary continuation benefits.

The employee's treating physician must review and certify that the employee can perform the light/modified duty assignment. The City reserves the right to require an employee to be medically released (i.e., able to perform his/her essential role specifications and accountabilities with or without a reasonable accommodation) before returning to full and regular duty.

4.19 FAMILY AND MEDICAL LEAVE

The City provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to 12 weeks of unpaid leave during a twelve month period for specified family and medical reasons or up to 26 weeks of unpaid leave during a single twelve month period to care for an ill or injured service member. The 12-month period during which an employee is eligible for 12 work weeks of leave will be measured forward from the date of the employee's first day of family medical leave. The single 12 month period during which an employee is eligible for 26 work weeks of leave to care for an ill or injured service member will be measured from the first day the eligible employee takes family medical leave to care for the covered service member and ends 12 months after that date.

Family Medical Leave Runs Concurrently With Other Types of Leave. If an employee has any available accrued sick leave, it must be used concurrently with any available family medical leave. If the employee has no sick time, or once all accrued sick time has been used, all unused holiday, and vacation leave will be used and will run concurrently with any remaining family medical leave. If the employee is eligible for short-term or long-term disability, it too must be used concurrently with any available family medical leave. Family medical leave shall also run concurrently with leave taken by an employee as worker's compensation leave if the illness or injury meets the criteria for a serious health condition.

Employee Eligibility. To be eligible for family medical leave, an employee must have worked for the City:

- (A) at least 12 months, **and**

- (B) at least 1,250 hours during the 12 months preceding the start of the leave.

Leave Entitlement. Eligible employees may take a total of 12 work weeks of family medical leave during a 12-month period for one or more of the following reasons:

- (A) the birth of the employee's child or placement of a child with the employee for adoption or foster care;
- (B) to care for a spouse, child, or parent of the employee with a serious health condition;
- (C) when the employee is unable to perform the functions of his or her role specification because of his or her own serious health condition.
- (D) for 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.

Family medical leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement.

Eligible employees are entitled to take up to 26 work weeks of leave during a single 12 month period for the employee to care for a spouse, child, parent, or next of kin who is a service member undergoing medical treatment, recuperation, or therapy, is on out-patient status, or is on the temporary disabled retired list for injury or illness.

Notice Requirements. In order for the City to accommodate an employee's workload during his or her absence, employees seeking to take family medical leave must provide their Supervisor, MoR, Department Head or Human Resources with **at least 30 days' advance notice** when the leave is foreseeable. If the leave is not foreseeable, employees are expected to provide their Supervisor, MoR, Department Head or Human Resources with **as much advance notice as possible**. 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 unduly disrupt the City's operations.

When an employee takes paid or unpaid leave for a reason that qualifies for family medical leave, the employee shall include in the notice or request given to the Department Head, a description of the reason for the leave. (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 as family medical leave, the employee will likely have met the FMLA's notice requirements).

In the absence of unusual circumstances, nothing herein excuses an employee from complying with the requirement to notify his/her supervisor of an absence as required by Section 4.5 of these policies.

Within five business days of receipt of notice from an employee requesting paid or unpaid leave, the Human Resource Director or designee shall notify the employee of the employee's eligibility to take FMLA leave and the employees' rights and responsibilities for taking FMLA leave.

Within five business days of receipt of enough information to determine whether the leave is being taken for an FMLA-qualifying reason (e.g., after receiving certification) the City must notify the employee whether the leave will be designated and counted as FMLA leave.

All supervisors must **immediately** notify the Human Resources if they have reason to believe that an employee's absence is due to an FMLA-covered event.

Medical Certification and Other Required Documentation. Employees must provide the City with a medical certification from the employee's health care provider supporting the need for family medical leave due to a serious health condition affecting the employee or the employee's spouse, child or parent. Contact the Human Resources Department for specific certification details required.

The certification must state:

- (A) the date on which the serious health condition commenced;
- (B) the probable duration of the condition;
- (C) the appropriate medical facts within the knowledge of the health care provider regarding the condition;
- (D) for leave taken to care for an employee's spouse, child or parent, a statement that the eligible employee is needed to care for the child, spouse, or parent and an estimate of the amount of time that the employee is needed to care for the child, spouse, or parent;

- (E) for leave taken for the employees own serious health condition, a statement that the employee is unable to perform the functions of the role of the employee;
- (F) in the case of certification for intermittent leave, or leave on a reduced leave schedule, for planned medical treatment, the dates on which the treatment is expected to be given and the duration of the treatment;
- (G) in the case of certification for intermittent leave, or leave on a reduced leave schedule for the employees own serious health condition a statement of the medical necessity for the intermittent leave or leave on a reduced leave schedule, and the expected duration of the intermittent leave or reduced leave schedule; and
- (H) in the case of certification for intermittent leave, or leave on a reduced leave schedule for leave taken to care for the employees child, spouse or parent, a statement that the employee's intermittent leave or leave on a reduced leave schedule is necessary for the care of the child, spouse, or parent who has a serious health condition, or will assist in their recovery, and the expected duration and schedule of the intermittent leave or reduced leave schedule.

The Department Head may require, by giving a written request to an employee, that FMLA leave for a qualifying military exigency provide a certification that sets forth the following:

- (A) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave and should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the need for leave;
- (B) the approximate date on which the qualifying exigency commenced or will commence;
- (C) if an employee requests leave because of qualifying exigency for a single, continuous period of time, the beginning and end dates for such absence;
- (D) if an employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency; and

- (E) if the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting and a brief description of the purpose of the meeting.

The Department Head may require, by giving a written request to an employee, that FMLA leave to care for an injured or ill service member be supported by a certification completed by an authorized health care provider of the covered service member. A certification must be furnished in a timely manner when requested. A certification must state:

- (A) whether the covered service member's injury or illness was incurred in the line of duty on active duty;
- (B) the approximate date on which the serious injury or illness commenced and its probable duration;
- (C) a statement or description of appropriate medical facts regarding the covered service member's health condition for which FMLA leave is requested. The medical facts must be sufficient to support the need for leave.
- (D) information sufficient to establish that the covered service member is in need of care, and whether the covered service member will need care for a single continuous period of time and an estimate as to the beginning and ending dates for this period of time;
- (E) if an employee requests leave on an intermittent or reduced schedule basis for planned medical treatment appointments for the covered service member, whether there is a medical necessity for the covered service member to have such periodic care and an estimate of the treatment schedule of such appointments;
- (F) if an employee requests leave on an intermittent or reduced schedule basis to care other than for planned medical treatment, whether there is a medical necessity for the covered service member to have such periodic care;
- (E) the following additional information:
 - (i) the name and address of the employer of the employee requesting leave, the name of the employee requesting leave, and the name of the covered service member for whom the employee is requesting leave to care;

(ii) the relationship of the employee to the covered service member;

(iii) whether the covered service member is a current member of the Armed Forces, the National Guard or Reserves, and the covered service member's military branch, rank, and current unit assignment;

(iv) whether the covered service member is assigned to a military medical facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients and the name of the medical facility or unit;

(v) whether the covered service member is on the temporary disabled retired list; and

(vi) a description of the care to be provided to the covered service members and an estimate of the leave needed to provide the care.

Invitational Travel Orders or Invitational Travel Authorizations issued to any family member to join an injured or ill service member at his or her bedside will be accepted in lieu of the required certification for the duration of the time specified in the orders or authorizations.

If the City determines that a certification provided for leave taken for the employee's own serious health condition, for the employee to care for the employee's spouse, child or parent or for the employee to care for an injured or ill service member is incomplete or insufficient, the City will provide the employee with seven calendar days to cure any deficiency. If the deficiency is not cured, the City has the right to either deny FMLA leave or contact the health care provider for purposes of clarification and authentication of the medical certification. Any contact with a health care provider will be made only by a health care provider, the Human Resources Director or the City Manager and, when necessary, upon receipt of a HIPAA authorization provided by the employee. If an employee refuses to provide a necessary HIPAA authorization and does not otherwise clarify the certification, the City may deny FMLA leave.

If the City has reason to doubt the validity of the certification provided for leave taken for the employee's own serious health condition, for the employee to care for the employee's spouse, child or parent or for the employee to care for an injured or ill service member the City may require, at the expense of the City, that the employee obtain the opinion of a second health care provider designated or approved by the City. A health care provider designated or

approved under this paragraph may not be employed on a regular basis by the City.

If the second opinion described above differs from the opinion in the original certification provided, the City may require, at the expense of the City, that the employee obtain the opinion of a third health care provider designated or approved jointly by the City and the employee. The opinion of the third health care provider is final and binding on the City and the employee.

If an employee submits a complete and sufficient certification in support of his or her request for leave because of a qualifying exigency, and the qualifying exigency involves meeting with a third party, the City may contact the individual or entity with whom the employee is meeting for purposes of verifying the meeting or appointment schedule and the nature of the meeting. The City may also contact an appropriate unit of the Department of Defense to request verification that a covered military member is on active duty status.

Delay or Denial of Family Medical Leave Benefits. The City may delay the taking of family medical leave under the following circumstances:

- (A) if an employee fails to give timely advance notice when the need for family medical leave is foreseeable, family medical leave may be delayed until 30 days after the date the employee provides notice to the City of the need for the leave;
- (B) if an employee fails to provide in a timely manner a requested medical certification to substantiate the need for family medical leave, fails to provide clarification, or cooperate in the City's efforts to seek clarification, the continuation of leave may be delayed until the employee submits the certificate.

Employees returning from family medical leave due to their own serious health condition will be required to submit a "fitness-for-duty" certification before returning to work. If an employee fails to provide a requested fitness-for-duty certification to return to work, the City may delay restoration until the employee submits the certificate.

If the employment relationship terminates, an employee's rights to continued leave, maintenance of health benefits, and restoration cease under FMLA. If an employee fraudulently obtains family medical leave, the City may deny job restoration and/or maintenance of health benefits.

Intermittent Leave. Eligible employees may take family medical leave on an intermittent or reduced schedule basis only if medically necessary to care for a seriously ill spouse, child or parent; or because of the employee's serious health

condition. Intermittent leave may be taken to care for a newborn or newly placed adopted or foster care child only with the approval of the employee's Department Head and the City Manager.

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with their supervisor to schedule the leave so as not to unduly disrupt the City's operations, subject to the approval of the employee's health care provider. In such cases, the City may temporarily transfer the employee to an available alternative position (with equivalent pay and benefits) in order to better accommodate repeated periods of absence.

Benefits During FMLA Leave. During any period of family medical leave, the City will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his or her share of health insurance premiums while on leave. Upon at least 15 days written notice, the City may discontinue insurance coverage if the employee's share of health insurance premiums are more than 30 days past due. The City may recover premiums it paid to maintain health coverage for an employee who fails to return to work from family medical leave, unless the employee is unable to return due to a serious health condition or something else beyond the employee's control. Medical certification is required under such circumstances.

The employee's use of family medical leave will not result in the loss of any employment benefits that accrued prior to the start of the employee's leave; however, benefit accruals, such as vacation and sick leave, will be suspended during any unpaid leave.

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

Job Restoration After FMLA Leave. Upon return from family medical leave, an employee will be restored to his or her original role or to an equivalent role in terms of pay, benefits, and other terms and conditions of employment. Under certain circumstances, however, the City is not required to reinstate "key" employees. Certain highly compensated key employees may be denied reinstatement when necessary to prevent "substantial and grievous economic injury" to the City's operations. A "key" employee is a salaried eligible employee who is among the highest paid ten percent of employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request family medical leave.

Spouses Employed by the City. If an employee and the employee's spouse are both employed by the City, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition and a combined total of 26 work weeks of leave to care for an ill or injured service member.

Other Employment. Under no circumstances may an employee on family medical leave work another job, whether for pay, as a volunteer or as self-employment, unless expressly authorized in writing by the Department Head and the City Manager.

FLSA Considerations. Salaried executive, administrative, and professional employees of the City who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime do not lose their FLSA-exempt status by using any unpaid family medical leave. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of leave required by the FMLA.

Other Provisions. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law which provides greater family or medical leave rights.

This policy is intended to explain benefits available to eligible employees under the FMLA. It is not intended to create any rights to leave beyond those created by the FMLA. If you would like additional information on the FMLA, please contact your Supervisor, MoR, Department Head or Human Resources. When an employee gives notice of the need for family medical leave, the employee will be given additional information regarding rights and responsibilities under the FMLA. In addition, employees may contact the nearest office of the U.S. Department of Labor's Wage & Hour Division for more information.

4.20 MAXIMUM LEAVE POLICY

Any employee who is absent from work for more than six consecutive months, for any reason, will be terminated. (Note: This policy will be administered consistently with the City's obligations under the Americans with Disabilities Act, including consideration to extend the leave as a reasonable accommodation.)

SECTION 5

EMPLOYEE BENEFITS

5.1 EMPLOYEE BENEFITS - OVERVIEW

Benefit eligibility is dependent upon a variety of factors, including employee classification and length of service. Generally, however, regular full-time employees are eligible for most benefits, and regular part-time employees are eligible for certain benefits on a pro-rata basis. Part-time and temporary employees are generally not eligible for City benefits. Contact your supervisor, MoR, Department Head or the Human Resources Department to obtain information regarding the benefits you for which you may be eligible.

Benefit programs available to eligible employees include, but are not limited to:

Paid Holidays	Family Medical Leave
Paid Jury Duty Leave	Bereavement Leave
Paid Witness Duty Leave	Deferred Compensation
Paid Sick Leave	Military Leave
Paid Vacation Leave	Workers' Compensation Benefit
Time Off to Vote	TMRS Contributions
Group Life and Accident Insurance	Credit Union
Group Health Insurance	Group Vision Insurance
Group Dental Insurance	Supplemental Voluntary Benefits
Section 125 Flexible Spending Accounts	

While the City pays the full cost of many of these benefits, some of the benefit programs require contributions from participating employees or are offered on a voluntary basis to employees who then must pay the full premiums for the benefit offered.

5.2 GROUP INSURANCE BENEFITS

Life Insurance. The City presently provides life insurance coverage for all regular full-time employees at no cost to the employee. Part-time and temporary employees are not eligible for participation. Eligibility for life insurance coverage begins on the first of the month after a 30 day waiting period required by the insurance carrier. The principle amount of coverage is equal to two times the employee's annual salary. Employee dependents may also be eligible for participation under the City's life insurance plan. Dependant life insurance must be paid for by the employee through payroll deduction.

Health and Dental Insurance. Regular full-time employees are presently provided group health and dental insurance at no cost to the employee for the core plan. Part-time and temporary employees are not eligible for participation. Coverage begins on the first of the month following a 30 day waiting period. Employees may elect to cover their current spouse and/or dependent children under the City's health and dental plans, provided the premiums are paid for by the employee through payroll deduction.

Supplemental Insurance Benefits. Eligible employees may elect to purchase supplemental coverage through various insurance carriers such as: legal services, accident, short-term disability, hospitalization and/or cancer insurance for themselves or their dependents through payroll deduction. Additional information may be obtained in the Human Resources Department. Eligibility begins the first of the month following a 30 day waiting period.

Section 125 and Flexible Spending Accounts. Under Section 125 of the IRS Code, employees may pay for dependent health, accident, and dental insurance deductions on a pre-taxed basis. You are automatically enrolled unless you decline participation through the open enrollment process each year.

Employees may also enroll in Flexible Spending Accounts for medical/healthcare out-of-pocket or dependent care expenses. This election is made annually during the open enrollment process.

Deferred Compensation (457) Plan. Regular full-time employees have the option to contribute to the International City Managers Association Retirement Corporation 457 retirement plan through payroll deduction. Additional information on this benefit may be obtained in the Human Resources Department. Eligibility begins after 30 days of employment.

Additional Information. This is only a general description of available group insurance coverage. For additional information regarding the City's group insurance policies, you may review the appropriate Summary Plan Description and/or contact the Human Resources Department.

5.3 TEXAS MUNICIPAL RETIREMENT SYSTEM

The City participates in the Texas Municipal Retirement System (TMRS) to provide retirement benefits for employees. Full-time employees are required to participate immediately upon employment. Regular part-time employees who work at least 1,000 hours or more per year are also eligible for participation immediately upon employment. Temporary employees are not eligible for participation in TMRS.

Employees who terminate employment or retire from the City prior to establishing the mandatory number of contributing years to TMRS may be refunded their contributions to date, plus any accrued interest subject to TMRS' policies and regulations. If an employee transfers to another city with TMRS benefits, he or she is eligible to have his or her contribution transferred to that city subject to TMRS' policies and regulations.

The above information is a summary only. Additional information is provided in the TMRS handbook, available in the Human Resources Department.

Appropriate forms must be filed with TMRS before contributions can be refunded. Employees terminating employment after the mandatory contribution time have the choice of remaining in TMRS or receiving a refund of their contributions to date, subject to TMRS' regulations.

5.4 PROFESSIONAL MEMBERSHIPS AND SUBSCRIPTIONS

The City may elect to pay for all or a portion of an employee's professional memberships and subscriptions. Approval must be obtained in advance and will be based on such factors as available funds, the relationship of the membership and/or subscription to the employee's role specification and the number and/or cost of other memberships and subscriptions paid by the City for the employee.

5.5 SOCIAL SECURITY AND MEDICARE

All employees are covered by the Federal Social Security Act. A required percentage of your salary is deducted from your paycheck to pay the employee's portion of this protection, and the City matches your deduction dollar for dollar. The plan is designed for your future security and that of your dependents and provides for retirement, disability, death, survivor and Medicare benefits.

SECTION 6

EMPLOYEE RESPONSIBILITY/CONDUCT

6.1 EMPLOYEE CONDUCT AND WORK RULES

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

The City and its employees must, at all time, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. This includes any payments for illegal acts, indirect contributions, rebates, and bribery. The City does not permit any activity that fails to stand the closest possible public scrutiny.

All business conduct should be above the minimum standards required by law. Accordingly, employees must ensure that their actions cannot be interpreted as being, in any way, in violation of the laws and regulations governing the operations of the City. Employees uncertain about the application or interpretation of any legal requirements should refer the matter to their supervisor, who, if necessary, should seek the advice of the MoR, Department Head, City Manager or the City Attorney's office.

6.2 PUBLIC RELATIONS

The City of Kennedale is a public tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are expected to carry out efficiently the work roles assigned, to maintain good moral conduct, and to do their part in maintaining good relationships with the public, with other government employees and officials, with their supervisors and with fellow employees.

Employees must take care to separate their personal from their role with the City when communicating on matters not involving City business. Employees must not use City employee identification, stationery, supplies or equipment for personal or political matters.

When communicating publicly on matters that involve City business, employees must not presume to speak for the City on any topic, unless they

are certain that the views they express are those of the City, and it is the City's desire that such views be publicly disseminated.

When dealing with anyone outside the City, including public officials, employees must take care not to compromise the integrity or damage the reputation of either the City, or any outside individual, business, or government body.

Providing high quality service to the public in a timely, accurate, efficient and courteous manner is the primary objective of each City employee and official. Each employee represents the City when in contact with the public, and employees must constantly strive to be good-will ambassadors for the City. Any employee who fails to demonstrate the proper level of courtesy, professionalism and respect will be subject to disciplinary action, up to and including termination of employment.

In all matters relevant to the City, employees must make every effort to achieve complete, accurate, and timely communications by responding promptly, courteously and with respect to all proper requests for information and to all complaints.

In serving the residents, always remember the following:

- (A) City employees' roles are dependent on the residents of Kennedale;
- (B) Residents are not an interruption of the process — they are the purpose of the work effort;
- (C) The City's residents are always deserving of courteous treatment; and
- (D) Satisfied residents are our primary goal.

6.3 WORK ETHIC

Timeliness and Attendance. Employee's are to be punctual in maintaining work hours, keeping appointments, and meeting schedules for completion of work. Supervisor, MoR and Department Heads establish work schedules and maintain daily employee attendance records. More details regarding time and attendance can be found in Section 4.5.

Conduct. Employees will conduct themselves in a manner which does not bring discredit upon himself or herself or the City and which exhibits the highest degree of professionalism to promote efficiency, discipline and good public relations. This conduct includes use of clean and respectful language to each

employee, resident and customer. The City will not tolerate language or acts that are discriminatory or harassing, intimidate, disparage, offend, threaten or otherwise inflame another person or group of persons on the basis of race, religion, color, sex, national origin, age, disability, physical attributes or sexual preference as set forth in the City's Illegal Discrimination and Harassment Policy. Similarly, no abusive, profane or offensive language threats, threatening behavior, use of abusive language, profanity, or acts of violence will be tolerated. Any verbal or actions of these types should be reported to the Supervisor, MoR, Department Head, Human Resources or City Manager immediately.

Work Standards. It is the duty of each employee to maintain high standards for productivity, cooperation, efficiency and economy in his/her work for the City.

Each employee is responsible for maintaining a neat, sanitary and orderly work area, including, if applicable, office spaces, vehicles and equipment.

The Department Head or his/her designee will organize and direct the work of their departments to achieve these objectives and are responsible for the maintenance of good order and discipline within their departments.

If work habits, attitude, task completion, commitment to values or personal conduct of an employee falls below appropriate standards, the supervisor should point out the deficiencies at the time they are observed and coach the employee through appropriate means (see RO and discipline policy for guidance) giving the employee sufficient time for improvement.

Employees should arrange their personal affairs to minimize interference with individual or group work performance. This includes personal visits of friends, relatives, phone calls, and requests for absences from work for personal reasons such as finance or medical concerns.

6.4 CONFLICT OF INTEREST

The City and its employees must, at all time, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. This includes any payments for illegal acts, indirect contributions, rebates, and bribery. The City does not permit any activity that fails to stand the closest possible public scrutiny.

All business conduct should be well above the minimum standards required by law. Accordingly, employees must ensure that their actions cannot be interpreted as being, in any way, in contravention of the laws and regulations governing the operations of the City. Employees who are uncertain about the

application or interpretation of any legal requirements should refer the matter to their Supervisor, MoR, Department Head, who, if necessary, should seek the advice of the City Manager or the City Attorney's office.

The City expects that employees will perform their duties conscientiously, honestly, and in accordance with the best interests of the City of Kennedale. Employees must not use their role or the knowledge gained as a result of their role for private or personal advantage. Regardless of the circumstances, if an employee knows or have reason to suspect that a course of action he or she has pursued, is presently pursuing, or is contemplating pursuing may involve the employee in a conflict of interest with the City, the employee must immediately communicate all the facts to his or her supervisor.

All employees share a serious responsibility for the City's good public relations, especially at the community level. Their readiness to help with religious, charitable, educational, and civic activities brings credit to the City and is encouraged. Employees must, however, avoid acquiring any business interest or participating in any activity that would, or would appear to:

- Create an excessive demand on their time to the extent that it deprives the City of the employee's best efforts in the role assigned.
- Create an obligation, interest or distraction that may interfere with the independent exercise of judgment in the City's best interest.

An employee of the City will not:

- Invest in or acquire a personal financial interest in any business that has a contractual relationship with the City, or that provides goods or services to the City, if such interest could influence or create the impression of influencing an employee's decisions in the performance of duties on behalf of the City.
- Accept entertainment, gifts or personal favors that could, in any way, influence or create the impression of influencing the employee's decisions in the performance of duties on behalf of the City.
- Receive payment or compensation of any kind, except authorized under the City's policies. In particular, the City strictly prohibits the acceptance of kickbacks or commissions from suppliers or others. Any breach of this rule will result in termination and prosecution to the fullest extent of the law.

- Use a municipal title, position or uniform in any advertisement or endorsement of products.

6.5 WEAPONS BAN AND VIOLENCE PREVENTION

Zero Tolerance. The City is concerned about providing its employees with a safe and productive work environment and thus has taken certain steps to help prevent incidents of violence from occurring in the workplace. Harassment, intimidation, threats, threatening behavior, use of abusive language or profanity, violent behavior or acts of violence between employees or such action between an employee and a citizen arising from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, will not be tolerated. Violations of this policy will lead to disciplinary action which may include discipline up to and including termination, as well as arrest and criminal prosecution.

Any person who makes a threat of use of force, violence or threatens an unlawful act, exhibits threatening behavior, or engages in violent acts on City property will be removed from the premises pending the outcome of an investigation. The City will initiate an appropriate response which may include, but is not limited to, suspension and/or termination of the employment relationship, reassignment to another role, mandatory counseling with a psychologist or other mental health care provider of the City's choosing, and/or criminal prosecution of the person or persons involved.

All Weapons Banned. No employee, other than a licensed peace officer of the City, may carry or possess a firearm or other weapon on City property, including, without limitation, City vehicles, buildings, entrances, exits, or break areas. The City's policy flatly prohibits employees, other than licensed peace officers, from carrying or using any weapons, concealed or otherwise, on the City's premises as listed above. Employees are also prohibited from carrying a weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, knives with blades exceeding 5 ½ inches, switchblades, etc., as defined by Texas Penal Code Section 46.01.

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

Mandatory Reporting. An employee who witnesses, or has knowledge of intimidation, threats, threatening behavior, violent behavior or acts of violence involving a City employee must immediately notify his/her Supervisor, MoR, Department Head, Human Resources and/or the City Manager's Office.

Employees must also report any behavior they have witnessed which may be regarded as threatening or violent, when that behavior is job related or might be carried out on a City premises or City work location, or when that behavior is in any manner connected to City employment or activities. 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 focus of the threatening behavior.

All individuals who apply for or obtain a protective or restraining order which lists City property as a protected area, must notify their Department Head and provide 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 to the City Manager's Office. Likewise, all employees must immediately advise their MoR, Department Head or the City Manager's Office if any protective or restraining order is issued against them.

To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially.

6.6 ILLEGAL DISCRIMINATION AND HARASSMENT

Pursuant to Title VII of the Civil Rights Act of 1964, the City prohibits all forms of discrimination, including harassment, on the basis of race, color, ancestry, religion, national origin, age, sex, marital status, disability, or veteran status. In keeping with this commitment, the City will not tolerate discrimination or harassment.

The Human Resources Department is responsible for enforcing this policy and will serve as the investigative officer for harassment, discrimination and retaliation issues. Human Resources will receive training about harassment, discrimination and this policy, and will be responsible for investigating grievances.

Human Resources will distribute this policy to all employees. Employees are expected to read this policy and adhere to its provisions at all times.

The City shall provide mandatory training in discrimination and harassment matters for Department Heads and supervisors.

Definitions of Harassment. Harassment constitutes discrimination and is illegal under federal and state law.

For the purpose of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

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

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

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that singles out, denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, veteran status, citizenship or any other characteristic protected by law or that of his/her relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance; or
- otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that singles out, denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

Individuals and Conduct Covered. This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the City. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events. This policy also applies to citizens, vendors, and visitors to the workplace. Likewise, employees are also prohibited from harassing citizens, vendors, and other third parties.

Mandatory Reporting of Harassment, Discrimination or Retaliation. The City requires reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. An employee who believes that he/she has been a victim of such conduct must **immediately** report their concerns to a supervisor, Department Head, Human Resources, the Assistant to the City Manager, or the City Manager, whomever the employee feels most comfortable approaching. Any employee who observes or becomes aware of possible sexual or other unlawful harassment, discrimination or retaliation must **immediately** report it to a Department Head, Human Resources, or the City Manager.

The report may be either oral or written. However, oral reports of harassment, discrimination or retaliation must be reduced to writing by either the complainant or the person who receives the report, and must be signed by the employee.

Anonymous reports will be taken seriously and investigated.

Supervisors and Department Heads must promptly report all harassment, discrimination and retaliation grievances to the Human Resources Director.

In addition, the City encourages employees who encounter harassment to firmly and promptly notify the offender in a professional manner that the behavior is unwelcome and that the conduct must stop.

Investigation. Allegations of harassment, discrimination or retaliation will be investigated promptly. Within a reasonable time, Human Resources will produce a written report and provide a copy of the report to the complainant, upon request. The investigation will 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. Human Resources will recommend remedial measures based upon the results of the investigation, and the City Manager or City Council, as appropriate, will promptly consider and act upon the recommendation. To the extent practicable and allowed by the Texas Public Information Act, the City will keep grievances and the terms of their resolution confidential.

Retaliation. Retaliation against an individual for reporting a good faith charge of harassment, discrimination, or retaliation, or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will result in serious disciplinary action. Acts of retaliation must be reported immediately and will be promptly investigated and addressed.

Responsive Action. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination.

False grievances, exaggerated and malicious grievances of harassment, discrimination or retaliation as opposed to grievances, which even if erroneous, are made in good faith, will result in appropriate disciplinary action.

Conclusion. The City has developed this policy to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation. The City will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any reported violation of such policies will be investigated and resolved appropriately.

Any employee who has any questions or concerns about these policies should talk with his/her Department Head, Human Resources, or the City Manager.

Finally, this policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristics, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and policies of the City prohibit disparate treatment on the basis of sex or any other protected characteristic with regard to terms, conditions, privileges and perquisites of employment.

Administrative Note. Documents related to grievances will be maintained in Human Resources and retained in accordance with required records retention of such investigations. Should disciplinary action result, the disciplinary memorandum will be filed in the employee's personnel file.

Time Limits. Time limits specified in this policy may be lengthened if necessary due to holidays, vacations, sick leave, or other similar reasonable delays. The Human Resources Director will make appropriate adjustments if needed for unusual circumstances.

6.7 COMPUTER RESOURCES AND OTHER COMMUNICATION SYSTEMS

Purpose. The City provides computer resources for the purpose of accomplishing tasks related to the City's mission. The purpose of this policy is to establish guidelines to derive the benefits of increased efficiency through the use of the City equipment, resources, use of email, internet, server and home page, while ensuring the protection of information assets and City integrity. The City believes the proper use of this technology saves time and money, reduces administrative overhead and improves service to the community. This policy is also enacted to preserve the integrity of the City's internal information, ensure compliance with anti-harassment and discrimination policies and prevent workplace violence and theft or misuse of City information or records.

Definitions. This policy uses the following definitions:

- A. **Computer Resources** includes hardware, software, communications networks, electronic storage media, electronic mail systems, manuals and other documentation, including those systems administered centrally or within a department, in whatever form, model, or configuration and using whatever operating systems, platforms or interfaces and whether single or multi-user, PC or network server, etc.
- B. **Data** includes all files of any kind, regardless of size, format, or on what media stored or written, including but not limited to email messages, systems logs, databases, and stored information such as documents, diskettes, thumb or flash drives, etc. and commercial and locally developed software. The term also includes handwritten or printed material in paper form.
- C. **Users** include employees, volunteers and any other affiliate or individual with access to use the City's computer resources. This does not include however, the public use of the internet through the Public Library.
- D. **Provider** includes an entity that provides Internet, email, or other computer resources over a network.
- E. **Network** includes internets, intranets, local or wide area networks, and other networks of any kind.
- F. **Other Communication Systems** includes telephone communication systems, pagers, postage meter, copy machines, facsimiles, telephone service and voice mail, cell phones and other related equipment used to conduct City business.

City Property. All of the City's computer resources, data, networks and other communications systems and stored information which is or has been transmitted, received, or contained in the City's information systems (including, without limitation, e-mail, Internet, pagers, voice mail, facsimiles, and information stored on computer hard drives, City thumb drives, or other data storage devices) are the City's property and are to be used solely for role-related purposes. Use of City computer resources is a privilege, not a right. When using these resources, users must agree to abide by the applicable policies of the City as well as federal, state and local laws. **Users are not entitled to any expectation of privacy with respect to using computer resources, data, networks or other communications systems.**

Password Security. Any form of access or user account on any system that resides at any City facility, has access to the City network, or stores any non-public information requires user identification and system password. This form of authentication is essential in order to identify the person using an account as the authorized user and to prevent misuse by unauthorized users. The following guidelines apply to all computer users (as previously defined):

1. Only the account user is allowed to login or use the computer as the user that the account is assigned to. You must not share your password with anyone under any circumstance and no individual can force you to reveal your password for any reason. If misuse of computer profiles is tracked to your account, you will be assumed to have been the only person to know the password and will be held accountable for any misuse or unauthorized activity that may lead to discipline up to and including termination.

- a. The Information Technology department will assign all new personnel passwords; it is incumbent upon new users to change their password at their first log on into the system.
- b. Passwords should be changed regularly to prevent misuse or unauthorized access to your account. If you believe your password has been compromised, you must change it immediately and contact the IT department.

Unacceptable Use. The following activities are, in general prohibited and are not to be considered an exhaustive list. Under no circumstances is a user to engage in any activity that is unethical or illegal under local, state or federal law while utilizing City owned computer resources, networks or data. Unacceptable uses are:

1. Downloading, uploading, posting, reproducing, retransmitting or distributing material protected by copyright or trademark without permission of the copyright owner.

2. Unauthorized access, use, alteration, duplication, destruction, or disclosure of any of the City's computer resources, data, including confidential or sensitive information, or proprietary information that compromises the integrity of the City and its business in any way.
3. Use of internet access or the electronic mail system for "moonlighting," job searches, downloading and/or playing interactive games, gaming, gambling, using "internet chat" programs, solicitation, view or post pornography materials, and/or sending chain letters or pyramid schemes.
4. Do not open or forward e-mail received from unknown sources, or those that contain undefined or unexpected attachments, as they may contain viruses or other harmful or inappropriate content or information. Do not download .exe files, or any other file that has not been authorized by the Department Head.
5. Use of City computer resources to send email, communication, files, or programs for transmitting, retrieving or storage of any obscene, discriminatory or harassing communications which are intended to or that in effect harass, intimidate, disparage, offend, threaten or otherwise inflame another person or group of persons on the basis of race, religion, color, sex, national origin, age, disability, physical attributes or sexual preference as set forth in the City's Illegal Discrimination and Harassment Policy, illegal harassment of any kind is strictly prohibited. Similarly, no abusive, profane or offensive language or images may be transmitted through the City's e-mail or Internet access.
6. Use of City computer resources to view send or receive e-mail, communications, files or programs that contain text or images which are sexually explicit, racially discriminatory, overtly religious, or messages or images that are otherwise inconsistent with the City's equal employment opportunity and anti-harassment policies.
7. Personal use of the Internet and e-mail that adversely affects business uses and/or productivity and efficiency as determined by the user's supervisor, MoR, or Department Head.
8. Falsifying or actively concealing one's identity in an e-mail message or when accessing the network.
9. Knowingly or unknowingly allowing someone else to use your account login and password to access internet, email and other City related business information without prior authorization from the IT department or City Manager.

10. Use of computer resources to assist with, support, conspire to or commit any criminal or otherwise illegal acts, or fraud or deceptive practices, solicitations or representations.

11. Use of computer resources for commercial, illegal or illicit activity or in any way that violates City policy or is contrary to the City's best interests including personal financial gain or transmission of commercial or personal advertisements, solicitations, or promotions.

12. Attempting to circumvent, evading, compromising, assisting someone else, or requesting that someone else circumvent any security measures or administrative access control that pertains to City computer resources, data, networks or any other communication system.

13. Transmitting confidential, personal, or sensitive information of other persons or the City, on the Internet or email system, except for lawful and authorized business purposes.

14. Any act that endangers, compromises, or damages specific computer resources, data, networks or the system as a whole, whether located at the City or elsewhere.

15. Due to the considerable risks associated with computer viruses, users are prohibited from using any type of data storage device or otherwise downloading any personal or unauthorized software to the City's computers. All software downloaded must be registered to the City.

Monitoring. To ensure proper use of communications systems and business equipment, and to ensure professional service to all citizens, the City reserves the right to monitor the use of these systems and equipment. Therefore, by this policy, users are on notice that all e-mail messages, voice mail messages, and facsimiles sent to the City's address, and information stored on servers, pagers, computer hard drives, City-provided diskettes, etc. are subject to inspection by the City at any time, with or without advance notice. **Users are not entitled to any expectation of privacy with respect to such information.**

Voice Mail System. The City has invested in a Voice Mail System for efficiency and to better serve our citizens. Those users with a voice mailbox may learn how to use this system by reading your voice mail instructions or asking the phone system administrator. From time to time, especially when you are on vacation, business trips, a leave of absence or otherwise absent from work, your Department Head, supervisor, or another user may listen to your voice mail messages to better serve our citizens and to make sure that all City business is timely performed. Users should have no expectation of privacy in connection with any message left on the City's voice mail system.

Limited Personal Use Exclusion. The City prohibits non-job-related use of its computer resources and other communication systems; however, the City may authorize limited personal use of this equipment provided that such usage (i) does not interfere with work performance or business needs, (ii) is in full compliance with this policy, (iii) and the user takes personal responsibility for any costs incurred. Even though the user assumes responsibility for the costs incurred, this shall not create any expectation of privacy with respect to information or material transmitted, received or stored using City equipment.

Department Heads will not allow access to web sites that do not provide information beneficial to their departments, and will implement immediate corrective and/or disciplinary action, up to and including termination of employment, for those users who violate any portion of this policy.

Public Records. Users should be aware that electronic mail (e-mail) is considered a public record and may be subject to public disclosure in accordance with applicable law. Use of e-mail and the deletion of messages should be done with caution. All users are personally accountable for communications that they originate or forward using the City's electronic and/or telephonic communications systems. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any communication is prohibited. The user name, electronic mail address, organizational affiliation, time and date of transmission, and related information included with electronic messages or postings, must always reflect the true originator, time, date and place of origination of the messages or postings, as well as the true content of the original message.

Violations and Misuse of City Resources. Violations of this policy are considered a misuse of City resources and are subject to disciplinary actions up to and including termination.

Personal Use of Social Media.

(a) "Social Media" includes various forms of discussion and information sharing tools including social networking, blogs, video sharing, podcasts, wikis, message boards and online forums. Technologies include picture and video sharing, wall postings, e-mail, instant messaging, and music sharing, to name a few. Examples of Social Media applications include, but are not limited to, Google and Yahoo Groups, Wikipedia, My Space and Facebook, YouTube, Flickr, Twitter, LinkedIn, and blogging.

(b) City time and equipment should not be used for updating social media sites, including updating personal pages or profiles. Time spent on social media sites should be limited in the same manner as time spent on the telephone or internet when conducting personal business.

(c) Employees may not use the City's logo, letterhead or other identifying material including pictures of themselves or co-workers wearing or displaying the City's logo.

(d) Employees may not post discriminatory, defamatory, libelous or slanderous comments when discussing the City, its governing body, supervisors and employees.

(e) Employees must comply with City policies and personal sites may be monitored to determine compliance with City policies.

6.8 DRUG AND ALCOHOL USE AND TESTING

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

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

This policy does not prohibit the moderate use of alcoholic beverages at City sponsored social functions if such social functions do not involve the use of a City vehicle to or from the event.

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

Permissive Use of Prescribed and Over-the-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted ***if it does not impair an employee's ability to perform the essential functions of the role (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the***

workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Employees are required to notify their supervisor prior to reporting for work if their performance is compromised or diminished from use of prescription or over-the-counter drugs. It is the responsibility of employees to request reassignment to other duties, if needed, for the duration of impairment, or to request the use of available leave. Employees who fail to notify their supervisor of such impairment, and who continue to work, may be required to take available leave, or to perform other assignments and may be subject to disciplinary action if supervisory intervention is required.

Fire and Police Department Employees. Certain City Fire and Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy under certain limited conditions; these employees will be advised in writing of the specific exemptions applicable to them. Additional guidelines will be established by Police and Fire Department operating procedures. Police officers on under-cover assignments must follow the drug and alcohol guidelines established by their department.

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

Mandatory Reporting of Convictions. Within five calendar days, employees must notify their Department Head, in writing, of any criminal convictions involving drugs or alcohol (including a plea of *nolo contendere*).

Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's role, or when such off-duty use or involvement adversely affects the employee's performance in his/her role.

Rehabilitation/Treatment. It is the City's desire to assist employees who voluntarily request assistance with their alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge his/her problem and seek and accept counseling and/or rehabilitation **before** it impairs his/her role performance and/or jeopardizes his/her employment.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take leave of absence to participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.)

The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time. If the employee has no paid time off available, the time away from work will be unpaid. Where applicable, any time off for rehabilitation or treatment under this policy will also be designated as leave under the City's Family and Medical Leave Act policy.

If the employee successfully completes his/her prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to his/her prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

- (A) Initial negative test for drugs and/or alcohol before returning to work;
- (B) A written release to return to work from the City-approved rehabilitation or treatment facility/program;
- (C) Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;
- (D) In addition to any testing required in connection with the employee's ongoing treatment or follow up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;
- (E) The employee's formal written agreement to abide by the above conditions as well as any other conditions deemed appropriate by the City. The employee must meet with a City representative

to discuss the terms of his/her continued employment and sign a formal agreement before returning to work.

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor, Department Head or Human Resources to receive assistance or referrals to appropriate resources in the community.

The City may have additional obligations in addressing controlled substances and alcohol abuse for those employees regulated by the U.S. Department of Transportation. The City will ensure that the controlled substance and alcohol testing conforms to US DOT workplace testing requirements.

Drug and Alcohol Testing

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

Testing of Applicants. All applicants to whom a conditional offer of employment has been made may be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

Testing of Employees.

- (A) Employees will be tested for alcohol and/or illegal and unauthorized drugs after a workplace injury or accident or “near miss,” or when reasonable suspicion exists, or in connection with any required treatment or rehabilitation.
- (B) For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs, or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors

must document the specific, observable facts in support of reasonable suspicion testing (e.g., the who, what, when, where of the employee's behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).

- (C) Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time.
- (D) Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action, up to and including termination.
- (E) A positive test result is a violation of the City's Drug and Alcohol Use Policy and will likely result in disciplinary action, up to and including termination of employment. Any employee who is terminated for violation of the City's Drug and Alcohol Use Policy is ineligible for future employment with the City
- (F) Police and Fire Department employees are also subject to departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing, including provisions for random testing.

Testing Procedures.

- (A) All testing must be authorized in advance by the City Manager. For reasonable suspicion testing, testing may not be authorized without a supervisor's documentation of the articulable observations which led him or her to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations or as soon as possible following an accident, injury or near miss.
- (B) If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion otherwise exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, at its discretion, reassign the employee or put him/her on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.

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

Positive Test. A positive drug and/or alcohol test will likely result in termination.

Drug and Alcohol Testing for CDL Drivers.

Federal Mandate. The City intends to comply with mandates issued by the U.S. Department of Transportation (DOT) and the Federal Highway Administration (FHWA) relating to alcohol and drug testing, which require employers to test employees who drive commercial vehicles as part of their role accountabilities, for the use of alcohol and drugs. The purposes of the provisions of these requirements are to deter misuse of alcohol and drugs and to protect the public from the damage such misuse may cause. To implement the Federal requirements, the City adopts and implements this policy.

Being under the influence of a controlled substance or alcohol on the job poses serious safety and health risks to the user and to all those who work with the user. Drug and/or alcohol testing for employees accountable under this policy can occur in five instances: 1) post-offer; 2) post-accident; 3) reasonable suspicion; 4) random; and 5) return to work following alcohol/drug abuse treatment. This policy applies to all employees who drive or whose roles may require them to drive commercial motor vehicles requiring a commercial driver's license.

Prohibited Conduct.

The following alcohol and controlled substance-related activities are prohibited by this policy:

1. reporting to duty or remaining on duty while having any alcohol concentration of 0.02 or greater;

2. being on duty or operating a commercial motor vehicle while in possession of alcohol or drugs;
3. using alcohol while on duty;
4. the use any alcohol for eight hours after an accident requiring the a post-accident test or prior to under-going a post-accident test, whichever comes first;
5. refusing to submit to an alcohol and/or controlled substances test required by post-accident, random, reasonable suspicion, return-to-duty or follow-up tests;
6. failing to stay in contact with the City and its medical review officer (MRO) while awaiting test results;
7. reporting for duty or remaining on duty when an affected employee uses, is under the influence of, or possesses any controlled substance except when instructed by a physician that the substance does not adversely affect the employee's ability to perform his/her safety-sensitive tasks;
8. reporting for duty, remaining on duty or performing a safety-sensitive task if the affected employee tests positive for controlled substances;
9. being under the influence of legal drugs that are being used illegally;
10. using or being under the influence of legal drugs whose use can adversely affect the ability to work safely;
11. buying, selling, soliciting to buy or sell, transport, or possess controlled substances/illegal drugs while on City time or property; and
12. using alcohol within four (4) hours of performing work tasks.

An employee who violates any of the above, or who is convicted of a felony for a drug or alcohol-related offense, will be subject to disciplinary action by the City, which may include termination.

Employee Taking Medication. An employee taking prescription or over-the-counter medication which may impair the employee's ability to perform his/her role must notify his/her immediate supervisor prior to performing in a safety sensitive role.

Substances Tested For. The City will test for substances required by the Department of Transportation to be included in a test.

Tests Required. All employees who are required to be tested for alcohol and/or controlled substance use or misuse will be tested under the following circumstances:

1. **Post-Offer, including transfer.** All applicants for roles requiring a commercial driver's license and/or current employees transferring to a role which requires a commercial driver's license will be required to be tested for the use of alcohol and/or controlled substances.

Supervisor Accountabilities. Supervisors will ensure new hires and employee transferring to safety-sensitive roles will have completed an alcohol and drug test and achieved an alcohol test result indicating an alcohol concentration of less than 0.02 and has achieved a verified negative drug test result prior to performing in a safety-sensitive role.

2. **Random.** All affected employees are subject to random testing for alcohol and controlled substance at rates determined by the US Department of Transportation regulations. These random tests will be unannounced and quarterly throughout the calendar year.

The selection of drivers for random testing, the timing and frequency of the random tests and the number of drivers to be tested on any given day will be determined by the third party administrator coordinating the program. The selection of drivers for random testing is a valid method in which each driver will have an equal chance of being selected for testing each time random selections are made.

An employee who is notified of selection for random alcohol and/or drug testing is required to proceed to the test site as instructed. An employee notified of selection may be required to submit to either alcohol or drug test, or both. An affected employee who tests positive to a random test is unqualified to drive, and will likely be terminated from employment.

3. **Post-Accident.** Drivers will be alcohol and drug tested in the following situations:
 - a. In **all** accidents involving a fatality;
 - b. If the accident involves one or more vehicles being towed from the scene of the accident;
 - c. If the accident involves an injury of anyone involved to the degree that the injury must be treated immediately away from the scene of the accident; or
 - d. If the commercial vehicle driver receives a summons for a "moving traffic violation" as a result of the accident.

Supervisor Accountabilities. As soon as practicable following an accident involving a commercial motor vehicle, the supervisor will coordinate with the Human Resources to test the City driver for alcohol and drugs. When required testing for alcohol and drugs has not been administered within the required time frame following the accident, the following actions will be taken:

- a. Testing for alcohol is to be completed within two (2) hours following the accident. When two hours has elapsed and the driver has not been tested, the supervisor will prepare and maintain on file a record stating the circumstances that prevented the testing from occurring promptly;
- b. If eight (8) hours has elapsed without alcohol testing, the supervisor will cease attempts to coordinate the test and will prepare and maintain a record stating the reason why the test was not administered.
- c. Testing for drugs must occur within thirty-two (32) hours following an accident. If the drug test cannot be conducted within the required time frame, testing efforts will cease and the supervisor will prepare and maintain a record stating the reason why the test was not administered.

Employee/Driver Accountability Following an Accident. A driver who is subject to post-accident testing should remain available, or the supervisor may consider the driver to have refused to submit to testing. The driver subject to post-accident testing should refrain from consuming alcohol for eight (8) hours following the accident, or until he/she submits to an alcohol test, whichever comes first. Nothing in the policy should be construed as requiring the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Employee/Driver Status After Post-Accident Testing. A driver who has submitted to a post-accident test will, at the supervisor's discretion, in coordination with the Human Resources Department, either be restricted from driving or placed on administrative leave pending the results of the testing.

4. **Reasonable Suspicion.** All drivers exhibiting signs and/or symptoms of alcohol and/or drug use or misuse, which are observed by a trained supervisor, while performing safety sensitive tasks including driving or just before or just after performing safety sensitive tasks including driving will be required to submit to an alcohol and/or controlled substance test.

The trained supervisor who made the observation will document and sign a written record of what was observed leading to the reasonable suspicious behavior within 24-36 hours of the observed behavior.

The employee will be requested to submit to an alcohol and/or drug test and at the discretion of the supervisor in coordination with Human Resources Department, will either be restricted from safety-sensitive tasks including driving or be placed on administrative leave, pending the results of the testing.

5. **Return to Work Following Treatment.** Any employee/driver may identify himself/herself at any time as a substance abuser and voluntarily through a recognized treatment program, seek counseling and rehabilitation. In these instances the employee will be permitted the use of available leave, beginning with sick leave. An employee undergoing treatment may be required to authorize disclosure of their progress in treatment to Human Resources. An employee who fails to actively participate in and comply with the requirements of the rehabilitation program will be subject to immediate revocation of their leave and will likely be terminated.

Nothing within this policy should be construed as a means for an employee to avoid any required drug and alcohol testing. Once the process of establishing reasonable suspicion has been initiated, or an accident or injury has occurred, or an employee has been selected for a random test, an employee may not seek treatment in an effort to avoid testing and possible disciplinary action. An employee that self identifies prior to notification of an upcoming drug and/or alcohol test will not automatically be dismissed.

A self-declaration as a substance abuser who has complied with the rules of the rehabilitation program, prior to returning to work will:

- a. Be evaluated by a substance abuse professional who will provide a comprehensive face-to-face assessment and clinical evaluation of the employee and recommend a course of education and/or treatment with which the employee must demonstrate successful compliance prior to returning to a DOT safety sensitive role.
- b. Submit to a return-to-duty alcohol and/or drug test. The results of the drug test must be negative and/or alcohol test concentration level less than 0.02, before the employee may be allowed to perform a safety sensitive role.

Follow-up Testing of Self-Declared Substance Abuser: An employee who has completed a drug or alcohol rehabilitation program, has

successfully completed the return-to-duty testing with negative result or alcohol test concentration level less than 0.02, will also be subject to periodic unscheduled testing for the period of two years after completion of the program.

An employee who successfully completes treatment for use of drugs or alcohol and subsequently is found during working hours to be in possession of, or under the influence of alcohol or drugs, or tests positive at any time will likely be subject to immediate termination of employment.

Notice of Rehabilitation Resources: If a post-accident, reasonable suspicion or random test results in a “positive” (as is specified within this policy) for alcohol or controlled substances, the supervisor will make the affected employee aware of resources available for rehabilitation. The cost of treatment, counseling, or rehabilitation resulting from a “positive” or self-declared substance abuser is the responsibility of the employee. The City’s group health plan may provide benefits for substance abuse treatment.

Tampering with Tests or Test Process: Any action taken by an applicant or employee which can reasonably be construed as an attempt to tamper with a breath or urine sample or any part of the testing process may likely result in termination of an employee or automatic rejection of a job offer. If the medical facility collection site personnel have reasonable suspicion that a test was tampered with, the employee may be required to remain at the site until another sample is provided.

Refusal to Test. No employee will refuse to submit to any testing required by this policy (post-accident, random, reasonable suspicion or follow-up testing). Any affected employee who refuses to submit to a test for drugs/or alcohol will likely be terminated.

Refuse to submit (to an alcohol or drug test) means that an employee:

1. Failed to appear for any test within a reasonable time, as determined by the employer after being directed to do so by the employer;
2. Failed to remain at the testing site until the testing process is complete;
3. Failed to provide a specimen for any drug test required;
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver during the testing process;

5. As determined, through a required medical evaluation, there was no adequate medical explanation for a failure to provide a sufficient specimen sampling;
6. Failed or declined to participate in a second test the employer or collector has directed of the employee;
7. Failed to undergo a medical examination or evaluation, as directed by the Medical Review Officer (MRO) as part of the verification process;
8. Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
9. Is reported by the Medical Review Officer (MRO) as having a verified adulterated or substituted test result.

Disciplinary Action. An employee/driver is subject to disciplinary action, including termination, for any violation of this policy including:

1. Failing to report a conviction for operating an motor vehicle while under the influence of alcohol or drugs;
2. Failing to report a conviction for operating a City motor vehicle or motor vehicle operated in the performance of City business while under the influence of alcohol or drugs;
3. Obstructing, interfering, or refusing to submit with the administration of any drug or alcohol testing; or
4. Having an alcohol result indicating a concentration level of alcohol in the system or tests positive for one or more drugs.

Notices. The City will provide each employee/driver a copy of this policy and before performing an alcohol or drug test under the requirement of the US Department of Transportation regulations and this policy, the employee/driver being tested will be notified that the test is required.

The City will notify an applicant or an employee of the results of a post-offer employment drug test conducted under this policy. The City will notify employees of the results of random tests, conducted under this policy if the test results are verified positive.

Confidentiality. All test results are treated confidentially and no results will be released to outside parties without the employees express consent or when required by law, rule or regulation or expressly authorized. Records of drug and alcohol testing of drivers are subject to the following:

1. Records are required to be maintained in a secure location with controlled access.
2. Upon receipt of a written request from an employee, the City will make records available to a subsequent employer.
3. Upon request, an employee is entitled to copies of any records pertaining to the testing conducted.
4. All results of alcohol and drug testing conducted pursuant to this policy will be made available, upon request, to the Secretary of Transportation.
5. The City may disclose information pertaining to the drug or alcohol testing of an employee/driver to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, and including, but not limited to, a workers' compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee/driver and arising from the results of an alcohol or drug test.

6.9 USE OF CITY EQUIPMENT

From time to time, the City may issue equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, mobile telephones, 2-way radios, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Equipment essential in accomplishing role specific duties is often expensive and may be difficult to replace. When using equipment owned or leased by the City, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. The City's equipment and other property may not be removed from the premises or used for personal business. Under no circumstances may City property be loaned or rented.

You must notify your supervisor immediately if any equipment, machines, or tools appear to be damaged or defective, or are in need of repair. Your supervisor can answer any questions about your responsibility for maintenance and care of equipment used in the course of your assigned role. The improper, careless, negligent, destructive, or unsafe use or operation of equipment will likely result in disciplinary action, up to and including termination of employment.

City Owned Computers Used Primarily At Home. City-owned computers may be issued to certain employees for use at their home or other locations for City business, subject to advance written approval by the City Manager. Employees who are issued a City computer agree to the following:

- (A) An itemized list describing in detail all City hardware and software must be made and signed by both the employee and the City Manager **before** an employee may take a City computer home;
- (B) Prior to being issued a City computer and related items for home use, the employee must acknowledge, in writing, that this policy has been read, understood, and will be followed;
- (C) The employee will not use the City computer and/or related items for any purpose other than City business;
- (D) The employee may not allow anyone else to use the computer and/or related items assigned to him/her;
- (E) The employee will maintain the computer and related items in good working order;
- (F) The employee will immediately (within 24 hours or sooner) return the City computer and related items if requested by the City Manager for any reason;
- (G) The employee will return the City computer and related items immediately upon termination of employment; and
- (H) A payroll deduction will be made for the cost of lost, damaged or unreturned items; in addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

6.10 USE OF CITY VEHICLES

City-owned or leased vehicles may only be used for official City business. City owned or leased vehicles may only be driven by authorized City employees. No City vehicle may be taken home without written permission of the City Manager renewed annually.

If an employee drives his or her own vehicle to conduct City-related business, or a City-owned, rented or leased vehicle, the employee must comply with the following:

- Employee must have a valid State of Texas driver's license appropriate for the vehicle operated and must inform his or her supervisor of any change in status.
- Employee must always observe all posted laws and speed limits.
- Employee must always wear seat belts when the vehicle is in operation.
- **AT NO TIME MAY AN EMPLOYEE UNDER THE INFLUENCE OF ALCOHOL OR ILLEGAL DRUGS DRIVE A CITY VEHICLE OR A PERSONAL VEHICLE WHILE CONDUCTING CITY BUSINESS.**
- **EMPLOYEES INVOLVED IN AN ACCIDENT WHILE OPERATING A CITY VEHICLE, OR WHILE OPERATING A PERSONAL VEHICLE ON CITY BUSINESS, MUST IMMEDIATELY NOTIFY THE PROPER LAW ENFORCEMENT AGENCY (IF APPLICABLE) AND THE APPROPRIATE SUPERVISOR, DEPARTMENT HEAD AND/OR CITY MANAGER. ACCIDENT REPORTS, ALONG WITH ANY LAW ENFORCEMENT REPORT, MUST BE FILED BY THE EMPLOYEE WITH THE DEPARTMENT HEAD.**

Employees who drive a City-owned, rented or leased vehicle must also comply with the following:

- **No** passengers other than other City employees or others on City business unless otherwise approved in advance by a supervisor.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of your Department Head.
- All maintenance and use records must be completed as directed by a supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance, to a supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation regulations must comply with them at all times.

The City may, at any time, check the driving record of a City employee who drives as part of his/her role assignment to determine that he/she maintains the necessary qualifications as a City driver. Employees agree that they will

cooperate by providing the City any authorization that may be required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, or unsafe use or operation of a vehicle, may result in disciplinary action, up to and including termination of employment.

6.11 PERSONAL APPEARANCE

General Guidelines. Personal appearance as defined for this policy includes jewelry, tattoos, dress, grooming, and cleanliness. As such, employees contribute to the culture and reputation of the City in the way they present themselves. Personal appearance is vital to the City's image; it reflects pride and inspires confidence and good will toward the community we serve.

All employees are expected to exercise sound business judgment with regard to personal appearance when reporting to work, presenting themselves with a professional, clean and neat appearance while on City premises and/or while conducting City business to ensure effective performance in the assigned role.

Reasonable Accommodation. The City recognizes the importance of individually-held religious beliefs of employees within the workplace. The City will reasonably accommodate an employee's religious beliefs in terms of workplace attire, unless the accommodation creates an undue hardship. Accommodation of religious beliefs in terms of attire may be difficult in light of issues of safety for employees and coworkers within certain departments, specifically police, fire and public works. Employees requesting accommodations based on religious beliefs should consult with the department Head and Human Resources.

Enforcement. In all cases, an environment of mutual respect, professionalism, cooperation and effective service to our residents is the City's goal. If it is determined that an employee does not meet the appearance standards as set out in this policy, the employee will be asked to take corrective action which may include, for example, leaving the premises to change clothing. Non-exempt employee will not be compensated for any work time missed and exempt employees will be required to make up the work time missed because of a failure to comply with the appearance standards. In addition, employees whose personal appearance is determined to be in violation of this policy may also be progressively disciplined, up to and including termination of employment.

The City will make the final determination regarding acceptable appearance. Normally, the Department Head will determine appropriateness; however, the

City Manager has final determination. If you have any questions about what is appropriate to wear, please ask your supervisor or Department Head.

6.12 UNIFORMS

Employees in roles requiring uniforms and/or protective clothing may also be required to meet additional appearance, grooming and hygiene standards. Uniforms and protective clothing is required for most Fire, Police, Animal Control, Street and Water Operations personnel. The City will provide or inform you how to obtain the necessary uniform and/or protective clothing if the role requires it.

Appropriate shoes and hats may also be required - in some cases they will be furnished to the employee. Replacement uniforms will be provided by the City as necessary. Uniforms must be clean, neat and in good repair when worn.

City-owned or authorized uniforms may **not** be used by City employees outside of work, for personal use, or by any third party. City uniforms may be used by City employees in connection with their outside employment **only** if their Department Head and the City Manager have given prior written authorization.

Specific guidelines for uniformed positions, including any additional appearance standards beyond this policy, will be covered within the department's standard operating procedures. Employees will be required to adhere to both citywide policy and department policies with regard to appearance and uniforms.

6.13 UNAUTHORIZED, IMPROPER USE OF UNIFORM, BADGE OR AUTHORITY

Employees whose duties involve the use of a badge, identification card, uniform or insignia as evidence of authority or for identification purposes may not permit such badge, identification card, uniform or insignia to be used or worn by another person who is not authorized to use or wear same, nor permit same to be out of his or her possession. Badges, identification cards, uniforms and insignia may only be used in the performance of the official duties of the position to which they relate. *Badges, identification cards, must be worn at all times and be visible to citizens and co-workers, unless such display would interfere or jeopardize an official cover or undercover investigation.*

6.14 POLITICAL ACTIVITIES

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

- (A) Publicly endorse or campaign in any manner for any person seeking a City of Kennedale public office.
- (B) Use his/her position or office to coerce political support from employees or citizens.
- (C) Use his/her official authority or influence to interfere with or affect the result of a campaign issue, an election or a nomination for public office.
- (D) Make, solicit or receive any contribution to the campaign funds of any candidate for City Council, directly or indirectly through an organization or association; or take any part in the management, affairs or political campaign of any such candidate; provided nothing herein shall infringe the constitutional rights of such office or employee to express his or her opinions and to cast his or her vote.
- (E) Use working hours or City property to be in any way associated with soliciting or receiving any subscription, contribution or political service or to circulate petitions or campaign literature on behalf of an election issue or candidates for public office in any jurisdiction.
- (F) Contribute money, labor, time or other valuable thing to any person for City election purposes.
- (G) Hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, (e.g. City Council). Upon becoming a candidate for such an office, an employee must immediately resign or be deselected upon failure to do so. If the employee loses the election, he or she may seek reinstatement if the employee's former role assignment is still open and available.

Notwithstanding any provision in this policy, a sworn employee of the police or fire department may engage in political activities to the extent permitted by state law.

6.15 SAFETY

The City strives to conduct its operations with the utmost regard for the health and safety of its employees and citizens. Each and every employee is required at all times to obey safety rules, to follow appropriate safety procedures, and to exercise caution and good judgment in all work activities. Some employees may be required to wear protective clothes and/or use

certain equipment in order to safely carry out their duties. Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will be subject to immediate disciplinary action, up to and including termination of employment.

Reporting Requirements. Employees must immediately report any unsafe condition, equipment or practices to the appropriate supervisor and/or Department Head. In addition, all accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor and/or the Department Head. If needed, first aid or medical treatment should be requested. An employee first report of accident (DWC-1 form) must be completed by each employee involved in an accident or injury and turned into the employee's supervisor. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate. Failure to complete and turn in the employee report of accident form and/or failure to report any accident or injury within twenty-four hours of its occurrence will likely result in disciplinary action, up to and including termination of employment.

Departmental Rules. Certain Departments will have safety rules specific to the duties performed and equipment used. These policies may include training requirements (including initial training for new employees as well as on-going training for other employees), use of protective equipment and clothing, and other appropriate topics. Employees with questions regarding safety should talk to their supervisor.

6.16 SECURITY AND LOSS PREVENTION

It is everyone's responsibility to help the City in loss prevention. If an employee becomes aware of losses or damage due to negligence, theft, willful destruction or abuse, or for any other reason, it is the employee's responsibility to report it to a supervisor, MoR, Department Head and/or the City Manager's office immediately. Employees must notify management immediately of any incident that results in loss or damage to the City, its employees, or the general public. Employees should also promptly notify management of any situation which may result in such a loss. Investigation of theft or other criminal behavior may require that employees cooperate with law enforcement officials. Failure to report loss or damage, or failure to cooperate in an investigation may result in disciplinary action, up to and including termination of employment.

Employees who have access to the City's funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in this policy, and departmental procedures and guidelines. The City imposes strict standards to prevent fraud and dishonesty. If employees

become aware of any evidence of fraud or dishonesty, they must immediately advise their supervisor so that the City can promptly investigate.

Accurate and reliable records are necessary to meet the City's legal and financial obligations and to manage the affairs of the City. The City's books and records must reflect, in an accurate and timely manner, all business transactions. The employees responsible for accounting and recordkeeping must fully disclose and record all assets and liabilities, and must exercise due diligence in enforcing these requirements.

Employees must not make or engage in any false record or communication of any kind, whether internal or external, including, but not limited to:

- (A) False expenses, attendance, production, financial, or other similar reports or statement.
- (B) False advertising, deceptive marketing practices, or other misleading representations.

Supervisors, or their designees, are responsible for locking and securing all doors, gates, chains, locks, setting alarms, etc., and for key removal from vehicles and equipment. Other security measures may also be required from time to time. Failing to comply with security precautions is a serious violation of City policy.

Any employee who becomes aware of or witnesses an incident of a nature described above – and who fails to report it in a timely manner – may be considered a party to any loss that occurs. In such cases, disciplinary action may be taken against the primary offender and the employee who failed to report it or concealed knowledge of the incident.

Absent specific approval from the City Manager, only authorized City employees are permitted on City premises outside of regular business hours. Only authorized City employees are permitted in secured areas of the premises. A violation of this policy, or a failure to report a violation of this policy may result in disciplinary action, up to and including termination of employment.

6.17 SMOKING

In keeping with the City's desire to provide a safe and healthful work environment, smoking (and the use of other tobacco products) is prohibited throughout the workplace, including in City vehicles and buildings owned or leased by the City and at all entrances to public buildings owned or leased by the City. Smoking is only permitted outside, in areas specifically designated for smoking. Smoking is not permitted during an employee's work time -- it is only

permitted during meal breaks, designated rest periods, before and after regular business hours. When conducting City business in the offices or other premises of a third party, employees must follow their smoking policies. This policy applies equally to all employees, citizens, and other visitors. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

6.18 VISITORS IN THE WORKPLACE

To provide for the safety and security of City employees and property, only authorized visitors are allowed in the workplace. The City's prohibition against unauthorized visitors helps to maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

Absent extraordinary circumstances and/or the express approval of the City Manager, children of employees are not permitted to accompany their parents to work. Such approval may be permitted in conjunction with "Career Day" or other similar special events. This policy is not meant to prohibit children from, on occasion, visiting their parents at work. Such visits, however, must occur during the employee's scheduled break or lunch period, and may not negatively impact the work environment of the City or other employees.

Employees are responsible for the conduct and safety of their visitors. If you see an unauthorized visitor on the premises, notify your Supervisor, MoR or Department Head immediately.

6.19 EMPLOYER/EMPLOYEE COMMUNICATIONS

Bulletin Boards. City bulletin boards are restricted to use by the City for the posting of official City matters, *e.g.*, announcements, internal memos, role specification forms, open positions, and changes in City policies. All employees are responsible for City information posted on the bulletin boards located in their break areas. New policies and changes to existing policies, as well as other official City information, will be posted on these bulletin boards from time to time. Employees must obtain approval from a supervisor, MoR or Department Head before posting any information on a City bulletin board.

Mail. Employees may not use City postage, stationery, stamps, supplies, etc. for personal business. Personal mail may be placed in the City's outgoing mail, but City postage may not be used for such mail. Employees may not direct personal mail to be delivered to them at the City.

Noise/Radios. All employees must be considerate of their fellow employees with respect to their conversations, telephone usage, etc. Please make every effort to keep voices low and to refrain from group conversations in areas

where other employees are working. Employees with private offices should conduct business in their offices, to the extent possible, rather than in common areas where others are working. Employees may only play radios, tape cassettes, CD'S, etc. at their work station if not objectionable to any co-workers. Any radio noise must be kept low.

Solicitation. Persons who are not employees of the City may not solicit or distribute literature in the workplace at any time for any purpose. Employees may not solicit, distribute, or post literature concerning events and associations unrelated to the City's business during work time or in work areas, without the prior written authorization of the City Manager. For purposes of this policy, work time does not include lunch breaks or any other period during which employees are not on duty.

Telephones. City land line telephones are to be used for City-business purposes. Answer all calls promptly and courteously. Please ask your family and friends not to call during business hours except in cases of emergency. Your own calls should be made during breaks. Long distance calls on City phones may only be made for City business. Employees may not make personal long distance calls on City telephones occurs, you may be disciplined and you will also be required to reimburse the City for any charge resulting from personal use of the phone. Excessive personal use of City telephones, or other violation of this policy, will result in disciplinary action up to and including termination of employment.

Cell Phones. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera, at work must not interfere with role accountabilities or performance. Please ask your family and friends not to call during business hours except in cases of emergency. Employees must not allow cell phone use to become a disruptive or interfere with their own or a co-worker's ability to perform their role. Employees, who use cell phones to violate City policy whether verbal or by text including policies prohibiting abusive, profane or offensive language or images, (Illegal Discrimination and Harassment Policy) will be subject to disciplinary action up to and including termination.

Employees with City-issued cell phones are allowed to use City cell phones for personal phone calls but must reimburse the City for all personal use. Except in emergency circumstances, employees should not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting. Employees using City-issued cell phones have no expectation of privacy in cell phone calls, pictures, or text messages on these phones.

Public Information Act. Employees are advised that records related to calls and text messages made and received on City owned cellular telephones or business calls made on personal cell phones are public information.

Information related to telephone numbers called, length of call, and time and date of the call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

News Releases. When communicating with the media, employees should remember that they represent the City and should conduct themselves accordingly. No employee may give a news or press release on behalf of the City without the prior authorization of the City Manager.

An employee who receives a request from the media for a scheduled interview on behalf of the City must obtain authorization from the City Manager prior to scheduling the interview. Employees shall attempt to provide a timely and thorough response to all interview requests, but may ask for and expect to be afforded additional time to research the relevant issues and to prepare for the interview. If an employee does not feel comfortable answering a reporter's questions, he or she may terminate the interview with the understanding that the employee or another City representative will follow up with the reporter in a timely fashion. When an employee terminates an interview, he or she shall immediately discuss the topic with the City Manager to determine if any further action should be taken.

Items of confidential or litigious matter shall not be addressed or discussed with the media. Such items include, but are not limited to, the following:

- (A) Medical records
- (B) Certain personnel records
- (C) Pending investigations
- (D) Actual proceedings of executive sessions of City Council
- (E) Draft correspondence (preliminary notes or intra-city memoranda not yet finished)
- (F) Records pertaining to pending litigation where the City is a party
- (G) Legal opinions of City attorneys
- (H) Certain law enforcement records

Employees in violation of this policy may be subjected to disciplinary action, including termination.

SECTION 7

DISCIPLINE, GRIEVANCE, APPEAL PROCESSES

7.1 EMPLOYEE DISCIPLINE

The decision to issue employee discipline will be made after consideration of a variety of factors including, but not limited to the severity of the misconduct, the employee's past work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- (A) counseling session;
- (B) documented verbal reprimand
- (C) written reprimand;
- (D) suspension without pay;
- (E) reduction in rate of pay;
- (F) demotion/reassignment;
- (G) de-selection.

Disciplinary Probation. Employees who are suspended or demoted, reassigned, or whose pay rate is reduced, will automatically be placed on disciplinary probation for up to six months. The employee will have no right to appeal further disciplinary action during the probationary period. Further, during any disciplinary probation period, the employee is not eligible for any merit pay increases.

Decision-Making Leave. Decision-making leave with pay may be appropriate in some situations. It may be used alone, as an alternative to other types of discipline, or in combination with other forms of discipline. The purpose of decision-making leave with pay is to give employees time to decide if they wish to remain employed by the City, and if so, whether they can and will correct their behavior. An employee may only be given decision-making leave with pay once and the leave cannot exceed one day or one shift, as appropriate.

Pre-disciplinary Meeting. When proposed disciplinary action includes suspension of one day or one shift (or more), a reduction of an employee's rate of pay, demotion, or termination, the employee will be given an

opportunity to respond to the allegations prior to disciplinary action being taken. The employee's supervisor will meet with the employee, inform the employee in writing of the specific rule(s) violated; the specific acts of the employee which were in violation of the rule; and that discipline could be imposed, and give the employee at least 24 hours to respond to the charges, either orally or in writing.

Review by Department Head. Any proposed disciplinary action in excess of a verbal reprimand must be reviewed by the employee's MoR or Department Head prior to being given to the employee. This applies to both probationary and non-probationary employees.

Prohibited Activities. The City expects its employees to conduct themselves in a businesslike manner. Disciplinary action will be imposed for violations of City or Departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. Disciplinary action may also be imposed for acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, but which may adversely affect the City or put the health and safety of fellow employees or citizens at risk.

Felonies and Misdemeanors. Employees must immediately notify their supervisor and/or their Department Head if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead *nolo contendere* to any misdemeanor or felony; provided, however, employees who do not drive as part of their duties with the City are not required to report minor traffic violations.

When an employee is arrested, charged or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, and the evidence obtained during an internal administrative investigation supports a violation of this section, disciplinary action may be taken independently of and before any legal action or criminal conviction.

Administrative Leave. During an internal investigation into alleged misconduct or violations of City policies, the City may, at its sole discretion, place the employee on paid administrative leave.

At the City Manager's discretion, an employee arrested, charged or indicted for a felony or misdemeanor, or accused of official misconduct or other serious criminal violation, may be placed on unpaid administrative leave 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. An employee on administrative leave may be reinstated to the position held before being placed on administrative leave (if available) if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

7.2 EMPLOYEE COMPLAINT, GRIEVANCE AND APPEAL

The City provides employees with a process for appealing and making complaints/grievances for certain matters to their MoR, Department Head, and/or the City Manager.

Employee Complaint/Grievance Guidelines. The City of Kennedale being a values based organization encouraging employee commitment to ethical aspirations through self governance and shared values maintains the importance of integrity, innovation, accountability teamwork and commitment. There may be occasions in which employees still need to discuss an issue, complaint, or alleged unlawful treatment or activity with their employer. In order to ensure that all employees have an opportunity to discuss complaints or other unlawful treatment, the following guidelines have been adopted:

Complaints. All matters of complaints should be settled at the lowest supervisory level as possible, and as soon after the event/action occurs. A complaint is defined as an alleged action specific to department rules, work schedules, department procedures, daily operations or general treatment or disagreements among departmental employees.

Employee complaints should be presented to their immediate supervisor verbally. The complaint will be sufficiently discussed for a clear understanding of the issues and determining proper resolution. If a resolution is not reached, the employee may file the complaint in writing with the MoR.

The complaint will be reviewed and addressed quickly by the employees supervisor and will continue to the MoR if the seriousness of the complaint warrants it or the employee's concern has not been addressed. In all matters of complaint, the Department Head's decision is final.

Grievances. A grievance is an allegation that rights or benefits specifically provided by law such as protected employment rights, unlawful discrimination or harassment, retaliation, or other unlawful treatment has occurred.

Mandatory Reporting. The City requires reporting of all perceived incidents as defined as a grievance regardless of the offender's identity or position. An employee who believes that he/she has been a victim must **immediately** report their concerns to a Department Head, Human Resources, or the City Manager, whomever the employee feels most comfortable approaching. Any employee, who observes or becomes aware of possible unlawful treatment or actions defined as a grievance, must **immediately** report it to a Department Head, Human Resources, or the City Manager.

The report may be either oral or written. However, oral reports must be reduced to writing by either the employee grieving the action or the person who receives the report, and must be signed by the employee.

Anonymous reports will be taken seriously and investigated.

Supervisors and Department Heads must promptly report such grievances to the Human Resources Director.

Investigation. Grievance allegations will be investigated promptly. Within a reasonable time, Human Resources will produce a written report and provide a copy of the report to the employee who filed the grievance, upon request. The investigation will 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. Human Resources will recommend remedial measures based upon the results of the investigation, and the City Manager or City Council, as appropriate, will promptly consider and act upon the recommendation. To the extent practicable and allowed by the Texas Public Information Act, the City will keep grievances and the terms of their resolution confidential.

Retaliation. Retaliation against an individual for making a grievance of unlawful treatment as defined above, or for participating in an investigation is a serious violation of this policy and will result in serious disciplinary action. Acts of retaliation must be reported immediately and will be promptly investigated and addressed.

Responsive Action. Misconduct constituting unlawful treatment will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination.

False grievances, exaggerated and malicious grievances of unlawful treatment as opposed to grievances, which even if erroneous, are made in good faith, will result in appropriate disciplinary action.

Conclusion. The City has developed this policy to ensure that all its employees can work in an environment free from unlawful treatment or actions such as harassment, discrimination and retaliation. The City will make every reasonable effort to ensure that all concerned are familiar with these policies and aware that any violation of such policies will be investigated and resolved appropriately.

Any employee who has any questions or concerns about these policies should talk with his/her Department Head, Human Resources, or the City Manager.

Appealable Actions. Appealable actions are actions associated with the annual Personal Effectiveness Appraisal and certain disciplinary action. Matters not specifically mentioned are **not** appealable. The City provides most employees with two levels of appeal. The first level appeal is to the employee's Department Head. The second level appeal is to the City Manager.

- (A) Annual Personal Effectiveness Appraisal if the employee is rated overall as requiring improvement in role effectiveness - appealable *only* to the Department Head.
- (C) Disciplinary action involving an unpaid suspension of at least one day or one shift (or more), demotion, reduction in rate of pay, or termination – appealable to Department Head and City Manager.

Appeal Form. All appeals must be written and submitted to the employee's Department Head on the City's appeal form. The appeal form must be fully completed, including employee's signature and date, before the appeal will be considered. Any documentation relevant to the appeal must be attached, including: copies of applicable policies, rules or regulations; names of individuals involved in the action and date it occurred; the adverse action taken; the remedy sought; and any other information or documentation relevant to the appeal.

Time Limits for Filing Appeal. An employee wishing to make an appeal must submit a fully completed appeal form to his or her Department Head within five business days of the act giving rise to the appeal. If an employee fails to file his or her appeal by the deadline, the employee waives his or her right to appeal.

First Level of Appeal. All appeals are initially heard by the employee's Department Head. First level appeals to the Department Head are conducted in a meeting format with the employee and his or her supervisor(s) in attendance. If, during the meeting the Department Head finds that additional information is needed in order to make a determination, the Department Head may suspend the meeting for up to five business days. The Department Head will reschedule the appeal meeting at a time mutually agreeable to both the employee and the City. The Department Head will provide the employee with a written decision within five business days of the conclusion of the appeal meeting.

Second Level of Appeal. If an employee is unsatisfied with the outcome of the first level of appeal, the employee may pursue a second level of appeal to the City Manager. To request a second level of appeal, the employee must submit

a copy of the employee's original appeal form to the City Manager's office within five business days of the employee's receipt of the Department Head's first level appeal decision.

The Human Resource Director will schedule the appeal meeting. The employee may be represented by another employee of his or her choosing or an attorney during the second level appeal. This is a meeting between the City Manager and the employee regarding the disposition of the appealable action and provides the employee an opportunity to present information regarding the reasons for the appeal along with pertinent facts regarding the appealable action. Should the City Manager deem it necessary to meet with other employees or gather additional information in order to make a determination, the City Manager may obtain the information necessary to make a decision. The City Manager may either schedule another meeting with the appealing employee at a time mutually agreeable to both the employee and the City Manager for final disposition of requested appeal; or issue a final disposition without a second meeting with the appealing employee.

The City Manager will provide the employee with a written decision by letter. The decision of the City Manager is final.

Frivolous Appeals. An unreasonable number of appeals filed by an employee or group of employees which are designed to thwart the City's orderly processing of appeals, or which are patently irrelevant or incomprehensible, as determined in the City Manager's sole discretion, will be rejected as "non-appealable." Employees involved in the filing of such appeals may also be subject to disciplinary action, up to and including termination of employment.

Upper Management Appeals. Where an appealable action is initiated by a Department Head, the appeal of such action shall be to the City Manager. In this circumstance, there shall be only one level of appeal, which shall conform to the above procedures established for a Second Level of Appeal and the decision of the City Manager is final. Where an appealable action involving a Department Head is initiated by the City Manager, there shall be no right to appeal and the decision of the City Manager shall be final.

SECTION 8

SEPARATION PROCESS (RESIGNATION, TERMINATION AND RETIREMENT)

8.1 TYPES OF SEPARATION

Resignation. To resign “in good standing,” the City requires that employees give at least two weeks advance written notice, return all City-issued property, pay all debts owed to the City, and attend an exit interview before terminating their employment so that an orderly transition can be made. Employees who resign in good standing may be eligible for payment of unused vacation (Section 4.6), and sick (Section 4.8) leave and accrued longevity (Section 3.11). Employees who resign are asked to furnish written notice to their supervisor or Department Head, giving the reasons for and the effective date of their resignation. Employees who fail to give a two-week notice will not be paid for unused vacation and sick leave nor accrued longevity, and may not be eligible for rehire.

Role Abandonment. If an employee fails to properly notify the City of his/her absence from work or if an employee is absent without authorization for two or more consecutive days, the City will consider the employee to have abandoned his/her employment, which constitutes a voluntary resignation without notice. Employees resigning in this manner will not be paid for unused vacation or sick leave, and are generally not eligible for rehire. In unusual circumstances, employees resigning in this manner may seek reinstatement. Under this policy, the City Manager may reinstate an employee who abandoned his or her position only when the employee presents good cause for the absence and failure to timely notify a supervisor.

Reduction in Force. The City Manager may implement a reduction-in-force at any time because of budget reductions or curtailment of work. A reduction-in-force may require the separation, demotion, reassignment or reduction in work hours of certain employees. A reduction-in-force may impact an entire department, a division within a department or a functional area within a department. Factors that will be considered in determining which employees will be adversely affected by the reduction-in-force may include employees' unique qualifications, knowledge, and skill; performance evaluations; disciplinary history; and length of service. In all cases, the needs of the City will be paramount. If more than one employee holds the same position within a department as the position that is vacated or abolished, the employee(s) with the least seniority shall be separated.

Death of an Employee. Any unpaid compensation, including unused vacation (Section 4.6) and sick leave (Section 4.8), and accrued longevity (Section 3.11)

of an employee who dies while employed by the City will be paid to his/her designated beneficiary. If there is no designated beneficiary, payment will be made to the employee's estate, or as otherwise required by law.

Retirement. Retirement from the City is defined according to the TMRS guidelines. Employees eligible for retirement under TMRS can be considered retired from the City of Kennedale and will be eligible for all benefits stated above under resignation should the employee meet the same criteria stated therein.

8.2 SEPARATION PROCESS

Exit Interviews. Employees who leave the City are expected to attend an exit interview with the Human Resources Director or another representative designated by the Human Resources Director on or before their last day of work. The purpose of the exit interview is to review the reason the employee is leaving and to solicit employee feedback on workplace improvements.

A review of separation pay, returning of property, benefits, etc. will also be covered at the time of the exit interview.

Separation Pay. Employees who leave the City's employment will receive all pay to which they are legally entitled. Any debt owed to the City by the employee will be deducted from the employee's final paycheck(s). Employees who leave the City's employment while in good standing as mentioned previously, will be paid for: unused vacation, sick leave and accrued longevity pay in accordance with those policies.

Under any of the following circumstances, an employee will not be considered to leave the City's employment in good standing: (1) resigning employees who do not provide the City with at least a two-week notice; (2) employees who fail to return all City-issued property; (3) employees who fail to attend an exit interview; (4) employees who are terminated for cause as determined in the City's sole discretion; (5) employees who resign in lieu of termination and (6) employees who fail to complete probation.

Return of City Property. If an employee fails to return City property upon resignation, termination or retirement, the City may make a payroll deduction from the employee's final paycheck(s) in an amount equal to the value of the property the employee failed to return.

Continuation of Group Insurance. The federal *Consolidated Omnibus Reconciliation Act of 1985 (COBRA)* provides individuals with the option of continuing group health insurance coverage, under specified conditions and at the individual's full expense, beyond the date which the insurance would

otherwise terminate. Upon separation from the City, information regarding continuation of group benefits will be sent to each covered employee and family members. Specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

TMRS. Employees who leave the City's employment prior to retirement may request a refund of their portion of their TMRS retirement account, plus earned interest on their contribution. The employee has 60 months to remove their contributions from TMRS if not vested. If an employee begins employment with another participating employer without a break in service, the employee can leave the account balance for purposes of calculating years of service for retirement.

SECTION 9

FINANCE POLICIES

9.1 PAYROLL DEDUCTIONS

In addition to their paycheck, employees will receive a statement showing gross pay, deductions and net pay. Some payroll deductions are required by law, e.g., federal income tax withholding, Social Security (FICA), and court ordered child support. Employees may elect to have certain other deductions made from their pay (e.g., insurance premiums) if they authorize the deductions in writing. Deductions other than those specifically authorized by the City Manager and Department Head are not permitted.

In the unlikely event that there is an error in the amount of a deduction, or any other payroll error, you should let your supervisor know as soon as possible. At the end of each calendar year, you will be given a Wage and Tax Statement Form (W-2). This statement summarizes your income and deductions for the year.

9.2 AUTOMATIC BANK DEPOSITS

Many City employees find it convenient to have their regular paycheck automatically deposited in their bank account. If you would like to make a similar arrangement, contact Human Resources. Any employee who does not participate in the Direct Deposit program will receive their payroll check from their MoR or Department Head on the scheduled payroll date.

9.3 WORK HOURS AND TIME KEEPING

Work Hours and Reporting Time Worked. An employee's specific hours of work may vary depending on his or her role and department. Employees are expected to be at their workstations and ready to work at their scheduled start time. Occasionally, staffing needs and operational demands may necessitate variations in work schedules. Supervisors are responsible for providing employees with a specific schedule. Employees are expected to cooperate when asked to work overtime or a different schedule.

Employees are accountable to verify time worked each pay period and to certify the accuracy of all time recorded through an electronic approval/signature process. The employee's supervisor will review and also electronically approve/sign the time record before submitting it for payroll processing. If corrections or modifications need to be made to an employee's time record, the employee and the supervisor must verify the accuracy of the changes and electronically approve/sign the time record. Altering, falsifying,

tampering with time records, or recording another employee in or out will result in immediate disciplinary action, up to and including termination of employment.

9.4 TUITION REIMBURSEMENT

The City of Kennedale encourages the further education and training of employees in job-related knowledge and skills. All regular full-time employees who have successfully completed their initial probation period are eligible for tuition reimbursement for academic credit (not continuing education courses). Tuition reimbursement is available for both undergraduate and graduate level courses. Tuition reimbursement funds are available within authorized budget limits established by City Council.

Conditions of Eligibility. Tuition reimbursement is available if funds have been appropriated through the budget process. Employees must complete an application for tuition reimbursement by May 1 each year. Other conditions of eligibility are:

1. Courses must be job-related or a requirement of an official degree plan related to our useful in a municipal government setting.
2. Courses must be taken in a classroom setting at a traditional college or satellite campus or through internet courses/programs that are accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award bachelor's, master's and doctoral degrees.

General Guidelines. Tuition reimbursement is not intended for college expenses already covered by other types of public assistance or benefits such as veteran's benefits, public safety programs, social security benefits, or any other type of grant, loan or scholarship programs. If other assistance or benefits are already being used by the employee, the City tuition reimbursement policy will not be in effect. Other guidelines:

1. The maximum courses an employee may receive reimbursement for per semester are two.
2. The City will reimburse for the cost of tuition and mandatory fees charged by an accredited state-supported institution. Employees attending private institutions will only be reimbursed for an amount equivalent to a state-supported institution. The City has deemed University Texas at Arlington as the state-supported institution for reimbursement of tuition and mandatory fees.

3. Employees requesting tuition reimbursement will enter into a written agreement to remain with the City for two years after taking the courses. If an employee separates from the City employment for any reason within the two year period, the employee will be charged (required to pay back), at the time of separation from employment, the tuition expenses reimbursed by the City.
4. At the time the employee makes application requesting approval for the tuition reimbursement program, the employee must include with the application a copy of the official degree plan or relevant college catalog which outlines the requirements for a specific degree being sought.
5. The tuition reimbursement program does not cover the cost of transportation, books, or parking fees.
6. Participation in the tuition reimbursement program is voluntary on the part of the employee and unless arrangements are made with the department Head at the approval of the City Manager, the City expects that class attendance will occur after business hours and will not interfere with performance of regular role tasks and accountabilities.

Process for Reimbursement. Once an employee has been approved for the tuition reimbursement program, enrolled and completed the college course work for the semester, the employee is required to submit a request for reimbursement to Human Resources. The request must include grade report, copies of any receipts showing payment and any paperwork outlining other monetary assistance or benefits received.

The employee will receive reimbursement based on successful completion of the approved courses as follows:

1. Undergraduate:

A = 100%
B = 80%
C = 50%
2. Graduate level courses (including Doctorate)

A = 100%
B = 80%

The reimbursement application with appropriate supporting documentation must be submitted to Human Resources within 30 days of course completion but not later than the start of the next semester. The City reserves the right to decline reimbursement for any semester in which the employee fails to timely submit a request for reimbursement.

Once the request has been submitted, Human Resources will forward to the City Manager for approval and to the finance department for reimbursement. Finance will see that the appropriate reimbursement is received by the employee.

9.5 TRAINING

From time to time, the City offers training to its employees to enhance or acquire new skills for the performance of their roles or future advancement. Training may include seminars, institutes, in-house training, and courses offered for credit at local colleges/universities. Department Heads or supervisors may require employees to participate in appropriate training from time to time. Employees may also request that they be allowed to participate in appropriate training. Work load, training topic and appropriateness to role specifications, budget constraints, cost of training, and other factors will be considered by the City in determining if requested training will be approved.

Time Spent in Training. Time spent by non-exempt employees attending mandatory training will be considered work time and employees will be compensated. Attendance at training, lectures, meetings, etc., will not be counted as working time if:

- (A) attendance is not during the employee's regular working hours;
- (B) attendance is voluntary;
- (C) the employee's MoR and/or Department Head did not approve the training, prior to the employee's attendance;
- (D) the employee does no productive work for the City while attending; and
- (E) the program, lecture or meeting is not directly related to the employee's role; it is considered directly related to the employee's role if it aids the employee in performing his or her current tasks better, as distinguished from teaching the employee another role, or a new task or skill.

Prior Authorization. All requests for outside training must be approved in advance by your MoR Department Head. Requests for outside training must be in writing and submitted as far in advance as possible.

9.6 TRAVEL AND REIMBURSEMENT

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business, in accordance with this policy.

Request for Advance Funds. Employees are typically provided with a City credit card to pay for expenses associated with City travel. In instances where a credit card is not made available, an employee needing an advance of funds must, except under extenuating circumstances, complete and submit a written request for an advance of funds at least **ten** business days before the advance is needed. A travel expense report is required with receipts documenting expenses. Any unused funds received must be returned to finance with the expense report within **ten** days of returning from the business trip.

Request For Reimbursement. A request for reimbursement form and substantiating receipts must be submitted to the MoR or Department Head (or, in cases of travel by a Department Head, to the City Manager) within ten business days after completion of travel.

Approving Authority. All travel and meeting documents, requests for advance of funds, and requests for reimbursements (with supporting receipts), must be approved as follows:

- (A) The MoR and/or Department Heads shall be responsible for approving their employees' travel. The City Manager is the final approving authority for Department Heads' travel.
- (B) All travel documents must be submitted to the employee's MoR and/or Department Head or the City Manager, as applicable.
- (C) All spouse and/or family member's travel expenses must be paid by the employee.
- (D) Only the actual cost of reasonable and necessary business related expenses incurred by the employee on behalf of the City will be reimbursed.

Transportation. The City has the option of requiring that travel be made in a City-owned vehicle. When a City vehicle is not furnished, the City will reimburse the employee at the current allowable IRS reimbursement rate per mile or the

cost of a round-trip coach airline ticket, whichever is appropriate, plus other stated costs (i.e., parking at airport and ground transportation at destination). A receipt(s) is required for reimbursement.

Hotel/Motel Reimbursement. Employees will be reimbursed for the actual cost of lodging in a hotel/motel that is appropriate for the particular meeting or purpose of the trip. A receipt(s) is required for reimbursement. The room rate must be pre-approved by the employee's MoR and/or Department Head, or in the case of a Department Head, approved by the City Manager. Overnight stays will only be authorized for travel to destinations in excess of 60 miles from the City, unless otherwise approved in writing by the City Manager.

Meal Reimbursement. When City business requires an employee to travel more than sixty miles from the City, the employee's **actual** meal expenses will be reimbursed, up to a maximum of \$60.00 per day. The daily meal allowance will be reduced by \$20.00 for each pre-paid meal included in a conference registration fee. When travel begins after 2:00 p.m. or ends before 2:00 p.m., the maximum meal allowance shall be reduced to \$20.00. A receipt(s) is required for reimbursement. The City will not pay for alcoholic beverages.

Subject to the above restrictions, Department Heads and other City employees who have a City-issued credit card should charge their meals when traveling, to the extent possible. Within **ten** business days of returning from travel, employees must provide receipts for all charges made to a City-issued credit card, or the employee will be held personally liable for the charge(s).

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

9.7 PURCHASING PROCEDURES

When an employee's position requires spending City funds or incurring any reimbursable personal expenses, that individual must use good judgment on the City's behalf to ensure that good value is received for each expenditure. City funds and all assets are for City purposes only and are not for personal benefit. This includes the personal use of the City's assets such as tools, equipment and computers, for example.

Employees authorized to make purchases on behalf of the City must follow the procedures outlined in the City purchasing procedures or as approved by the City Manager.

9.8 RED FLAG RULES

The City of Kennedale has developed an Identity Theft Prevention Program pursuant to the Federal Trade Commission's (FTC) Red Flags Rule, which implements Section 114 of the Fair and Accurate Credit Transaction Act of 2003. This program was developed for the Utility Department of the City with oversight and approval of the City Council. Red Flag Rules apply to any employee who has access to a customer's personal identifying information (such as name, address, social, birth date, etc.) as a means to establish an account. This information must be safe guarded to prevent identity theft. Employees must also take precautions when utilizing personal identifying information to detect red flags that arise when such information is being misused by another individual.

The Finance Department will provide training and a detailed policy for all employees affected by the FTC rules.

9.9 CITY PROCUREMENT CARDS

The City Procurement Card Program is intended to streamline and simplify the purchasing and accounts payable functions by eliminating waste and low value activities. The procurement card is a tool that reduces transaction costs, facilitates timely acquisition of materials and supplies, automates data flow for accounting purposes and offers flexible controls to help ensure proper usage.

If you are in need of a procurement card, contact your department Head and the finance department. You will be provided training and a detailed policy for use of the card prior to receipt of a card.

Misuse of the procurement card including using the card for any personal purchase will result in immediate disciplinary action up to and including termination.

SECTION 10

POLICY DEFINITIONS

10.1 POLICY DEFINITIONS

For the purposes of this Handbook:

AFFINITY WITHIN THE SECOND DEGREE includes an employee's spouse, step-parent, father-in-law, mother-in-law, spouse's grandparents, spouse's grandchildren, brother-in law, sister-in-law, son-in-law and daughter-in-law.

ALCOHOLIC BEVERAGES means alcohol, or any substance containing more than one-half of one percent of alcohol-by-volume that is capable of use for beverage purposes alone or when diluted.

AMERICANS WITH DISABILITIES ACT OF 1990 means Title 42 U.S.C. §12101, *et seq.*, as amended.

APPEAL is an action requested by an employee when a disagreement arises over the annual Personal Effectiveness Appraisal or disciplinary action involving an unpaid suspension of one day or shift or more, demotion, reduction in pay or termination.

APPLICANT means a person who has completed a written application form for an open position and provided any clarification information requested.

BENEFIT means an employer-sponsored program that includes, but is not limited to, holidays, vacation leave, sick leave, and health and life insurance, but does not include salary, service credit, or seniority.

CALL BACK means the unscheduled return to work outside of normal hours on a holiday or day off at the request of a supervisor. It does not include overtime or holiday work scheduled in advance.

CHARTER means the Home Rule Charter of the City of Kennedale.

CHILD means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

- (A) under 18 years of age; or
- (B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

CITY means the City of Kennedale, Texas.

CITY MANAGER means the City Manager of the City or the City Manager's designee.

COMPLAINT means an alleged action specific to department rules, work schedules, department procedures, daily operations or general treatment or disagreement among departmental employees.

CONSANGUINITY WITHIN THE THIRD DEGREE includes an employee's great grandparents, grandparents, parents, children, grandchildren, great-grandchildren, brother, sister, nieces, nephews, and half-nieces and nephews.

DEMOTION means the movement of an employee to a different classification having a lower maximum rate of pay, but not including a reclassification.

DEPARTMENT HEAD means a person appointed by the City Manager who is responsible for the administration of a department, or the Department Head's designee.

DISMISSAL or **DISCHARGE** means involuntary termination of employment with the City.

DRUG PARAPHERNALIA means equipment, products, or materials, as defined in Chapters 481, 484 or 485 of the Texas Health and Safety Code that may be used to facilitate the use of controlled substances or inhalants.

DRUG AND ALCOHOL TEST means the entire process of testing an individual for the presence of illegal drugs or alcoholic beverages, beginning with the collection of a specimen of bodily fluids, and continuing through the conclusion of laboratory testing of a specimen.

EMPLOYEE means a person employed and paid a salary by the City and includes a person working part-time, but does not include an independent contractor, volunteer, or City Council member.

EXEMPT EMPLOYEE means an employee who performs a function as defined in the Fair Labor Standards Act.

FAIR LABOR STANDARDS ACT means Title 29 U.S.C. §201, et seq., as amended.

FIRE SUPPRESSION EMPLOYEE means a sworn employee of the Fire Department working 24-hour shifts and whose primary duties are to respond to calls for fire suppression services.

FMLA means the Family and Medical Leave Act of 1993. See Section 4.19 of this Handbook for further explanation.

GRIEVANCE means an issue raised by an employee relating to the employee's rights, benefits or conditions of employment specifically protected by law, such as protected employment rights, unlawful discrimination or harassment, retaliation or other unlawful treatment.

HEALTH CARE PROVIDER means:

- (A) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices;
- (B) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice;
- (C) Nurse practitioners, nurse-mid-wives, and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice;
- (D) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
- (E) Any health care provider from whom the City or the City's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

ILLEGAL DRUG means a controlled substance, as defined in Chapter 481 of the Texas Health and Safety Code, or inhalant, as defined in Chapters 484 and 485 of the Texas Health and Safety Code.

IMMEDIATE FAMILY means the employee's spouse, child, brother, sister, mother, father, grandparents, grandchildren, stepparents, and shall include the spouse's immediate family. A legal guardian may be considered as immediate family.

IMPAIRED or **IMPAIRMENT** means the inability of an employee to perform duties safely and competently due to use of alcohol, illegal drugs, prescription drugs or over the counter drugs.

INTERIM ASSIGNMENT means a temporary assignment of a fulltime employee to another position or duties other than those of their current regular position.

INTERMITTENT LEAVE is FMLA leave taken in separate blocks of time due to a single qualifying reason.

LEGAL GUARDIAN means a person appointed by a court to guard the interests of a child who is a ward.

MOR means “Manager once Removed.” The MoR for an employee is the Manager of the employee’s Supervisor.

NON-EXEMPT EMPLOYEE means an employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act.

PARENT means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

POSITION (see ROLE)

PROMOTION means the change of an employee from a lower classification to a higher classification with a resulting increase in salary. A temporary or interim assignment to a higher classification, even with a temporary increase in salary, does not constitute a promotion.

REAPPOINTMENT means employment of a person who has previously been employed by the City.

REASONABLE SUSPICION means a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee may be under the influence of drugs or alcohol so that the employee's ability to perform the functions of the role may be impaired or so the employee's ability to perform the role safely may be reduced.

REINSTATEMENT means the reappointment of an employee who was reduced in classification or separated from employment as a result of a position being vacated or abolished by the City council.

REINSTATEMENT LIST means a list of individuals, who have been reduced or separated from a particular classification as a result of positions being vacated or abolished by the City Council, ranked in the order of seniority.

REPRIMAND means a statement to an employee by a supervisor describing deficiencies in the employee's performance or acts of the employee that are in violation of the standards of conduct and describes corrective measures which the employee should take. A reprimand is formal if it is in writing.

ROLE means a collection of tasks, duties, and accountabilities regularly assigned to and performed by one person. The term "role" is synonymous with "position" when it is performed by one person.

SEPARATION means any termination of employment with the City.

SERIOUS HEALTH CONDITION means an illness, injury, impairment, or physical or mental condition that involves:

- (A) in-patient care in a hospital, hospice, or residential medical care facility; or
- (B) continuing treatment by a health care provider, including one or more of the following:
 - (i) a period of incapacity of more than three consecutive calendar days that requires:
 - (a) treatment two or more times by a health care provider or by a provider of health care services under the orders of a health care provider; or
 - (b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider;
 - (ii) any period of incapacity due to pregnancy or for prenatal care even if no treatment is received during the absence;
 - (iii) any period of incapacity or treatment for an incapacity due to a chronic serious health condition even if no treatment is received during the absence;
 - (iv) a period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective;
 - (v) any period of absence to receive multiple treatments by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider.

(Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, and periodontal disease are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.)

SPOUSE means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

SUSPENSION means an involuntary absence without pay imposed by an appointing authority for disciplinary purposes.

SWORN EMPLOYEE means an employee of the Police Department or Fire department who is certified by the State Commission on Law Enforcement Officer Standards and Education or the State Commission on Fire Protection Personnel Standards and Education.

TERMINATION means cessation of employment with the City.

TRANSFER means a change from one position to another in which departmental or classification lines, or both, may be crossed, but which does not result in either promotion or demotion.

UNDULY DISRUPTIVE means that to grant an employee leave would impose an unreasonable burden on the City's ability to provide services of acceptable quality and quantity for the public during the time requested. Inconvenience is insufficient as a basis for determining that leave would be unduly disruptive.

WORKDAY means one shift during which a department is open for business or for which an employee is scheduled to work.

WORKING HOURS means the time during which an employee is on duty, including regular time, overtime, and emergency duty.

WORK PERIOD means a regularly recurring designated period of work which is used in accordance with the Fair Labor Standards Act to determine when a non-exempt employee is entitled to overtime compensation.

WORK WEEK means the number of hours an employee is regularly scheduled to work during a seven-day work period.

Policy Additions:

1.5 – ADA and Amendments – Includes process for employees who make a request for reasonable accommodation and what an employee should do to file a complaint. Reviewed and approved by City Attorney.

1.10 – Fair Credit Reporting Act – New policy that notifies employees the city follows this Act when completing background checks. Reviewed and approved by City Attorney.

1.11 – Whistleblower Act – New policy that provides complaint procedures for employees. Reviewed and approved by City Attorney.

1.12 – Confidentiality of Medical Information – New policy statement that ensures employees their medical information will remain confidential. Reviewed and approved by City Attorney.

2.5 – Post Offer Drug Testing – New policy statement that provides information to employees and applicants when the city will be drug testing. Reviewed and approved by City Attorney.

2.10 – New Hire Reporting – New policy that alerts new employees that the city will report and comply with Child support enforcement program. Reviewed and approved by City Attorney.

3.8 – Flexible Time – New policy aligning with the practice of providing employees flexibility to attend dr. visits, take care of personal business by flexing hours around lunch, coming in early or leaving late, etc. with department director approval. Requires the flexing to occur in the same work period so as not to create overtime FLSA issues. Reviewed and approved by City Attorney.

6.1 – Employee Conduct and Work Rules – New policy outlining general conduct requirements. Reviewed and approved by City Attorney.

6.3 – Work Ethic – new policy statement providing general guidance on Timeliness and attendance, conduct including clean language and work standards. Reviewed and approved by City Attorney.

6.7 – Computer Resources Policy – complete update to the old policy. It lines up with recommended security guidelines including passwords security. Reviewed and approved by City Attorney.

9.4 – Tuition Reimbursement – new policy that applies only if City Council approves budgeting dollars in each budget cycle to reimburse employees who

are attending college/university courses in pursuit of bachelor's, master's and doctoral degree programs. Reviewed and approved by City Attorney.

Policy Changes:

2.2 – Recruitment Process – Changed the internal advertisement period from 10 days to 2 days to allow for a quicker turnaround time for advertising purposes. Reviewed and approved by City Attorney.

2.9 – Employment of Relatives/Nepotism – Changed to include family members of HR and Finance department employees are not eligible for employment with the City. Reviewed and approved by City Attorney.

3.2 – Role Descriptions – changed to include Requisite Organization concepts. Reviewed and approved by City Attorney.

3.6 – Overtime policy – changed the organization of the policy for clearer reading. Clarified the difference between non-exempt and public safety in terms of when overtime is earned. Reviewed and approved by City Attorney.

4.7 - Holidays – reorganized the holiday pay policy for clarity purposes. Reviewed and approved by City Attorney.

4.9 – Sick Leave Donation – changed this policy because the current policy did not have any employee's participating. The policy has been changed to allow employees to make donations when requested rather than donating the minimum of eight hours to a pool. Employees weren't participating in the pooling, so no time was available when requests for use were made. Under old policy, if you didn't put in, you couldn't draw out. This policy allows each person to make a request and other employees to donate at the time of the need. Reviewed and approved by City Attorney.

4.17 – On-The-Job Injury Leave/Workers' Compensation – Updated forms from TWC to DWC. Added Maximum Leave, FMLA and TMRS section to the policy. Reviewed and approved by City Attorney.

4.19 – Family Medical Leave – Updated to include leave information for employees caring for an injured or ill service member.

5.2 – Group Insurance Benefits – updated policy to more accurately reflect the current benefit program. The last update was in 2006 and contained inaccurate information.

6.5 – Weapons Ban and Violence – changed due to recent legislation that allows guns to be in vehicles in parking lots. Reviewed and approved by City Attorney.

6.6 – Illegal Discrimination and Harassment – removed references to the City Secretary. Reviewed and approved by City Attorney.

6.8 – Drug Testing and Use policy– combined three policies (Use, testing and DOT) into one policy with sub points specific to the titles listed in parenthesis. Reviewed and approved by City Attorney.

6.12 – Personal Appearance – changed to reduce regulatory requirements such as skirt length, type of shoes, and clothing. Adopting more of a common sense oriented policy that is reflective of the work environment and what is needed. Can be better managed at the department level based on what is needed in each department. Reviewed and approved by City Attorney.

6.17 – Security and Loss Prevention – combined two separate policies into one.

6.18 – Smoking – combined two separate smoking policies into one policy.

6.20 – Employer/Employee Communication – Combined several policies related to phone, cell phone, mail, solicitation, noise, and news releases into one policy with several sub points.

7.2 – Employee Complaint, Grievance and Appeal – expanded the current grievance policy to include complaints and addressed the appeal process for more clarity. Reviewed and approved by City Attorney.

Section 9 – Finance Policies is a new section to organize a variety of policies related to financial processes into one location.

Section 10: Moved definitions from the front of the handbook to the back. Will include all the forms listed in the manual for easy access to employees.

Date: September 12, 2012

Agenda Item No: EXECUTIVE SESSION - A.

I. Subject:

The City Council will meet in closed session pursuant to Section 551.071 of the Texas Government Code for consultation with the City Attorney pertaining to any matter in which the duty of the City Attorney under the Texas Disciplinary Rules of Professional Conduct may conflict with the Open Meetings Act, including discussion on any item posted on the agenda and legal issues regarding amortization of nonconforming uses.

1. Consultation with city attorney regarding amortization.
2. Consultation with city attorney regarding TIRZ conflict of interest.

II. Originated by:

Bob Hart, City Manager

III. Summary:

At this time the Council will meet in executive session

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

None

VII. Alternative Actions:

VIII. Attachments:

Date: September 12, 2012

Agenda Item No: EXECUTIVE SESSION - B.

I. Subject:

The City Council will meet in closed session pursuant to Section 551.072 of the Texas Government Code to deliberate the purchase, exchange, lease, or value of real property for the following:

1. 1125 W Kennedale Parkway

II. Originated by:

Bob Hart, City Manager

III. Summary:

The City Council will discuss this item in executive session.

IV. Fiscal Impact Summary:

V. Legal Impact:

VI. Recommendation:

VII. Alternative Actions:

VIII. Attachments: