



200 West Second Street / Freeport, Tx 77542 / (979) 233-3526 / FAX (979) 233-3205

ACKNOWLEDGEMENT OF RECEIPT OF PERSONNEL POLICY HANDBOOK

I, _____, being an employee of the City of Freeport, Texas, do hereby state that I have received a copy of the Personnel Policy Handbook and I agree to read it and to comply with it and any other rules and policies of the City.

I understand that violating the policies and rules set out in this handbook may lead to disciplinary action, up to and including termination.

I clearly understand that this policy handbook does not create a contract for employment with the City of Freeport, and that the City of Freeport may change or modify the policies and procedures in this handbook at any time with or without prior notice.

This handbook replaces and supercedes all earlier personnel practices, policies, and guidelines.

Date Employed

Employee Signature

Date

Atten: Human Resource Department



200 West Second Street / Freeport, Tx 77542 / (979) 233-3526 / FAX (979) 373-0113

CERTIFICATE OF COMPLETION

I, _____, being an employee of the City of Freeport, Texas, do hereby state that I have received a copy of the revision of the Personnel Policy Handbook (Chapter 8, Section 8.05 and Chapter 11, Section 11.01 thru 11.05). I further understand that I am responsible for reading and understanding the revisions as outlined.

Employee Signature

Date

Attn: Human Resource Dept.

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CHAPTER ONE

GENERAL PROVISIONS

1.01 Purpose of Policy Handbook

The City Council of the City of Freeport deems it advisable to formulate a policy governing the relationship of the City with its employees. The policies in this handbook are guidelines only, and do not constitute any type of employment contract with any employee, nor are they intended to make any commitment to any employee concerning how individual employment action will be handled. This policy also represents an effort to establish governing principles for a fair and equitable system of personnel management. This policy is not intended to be all-inclusive and cover every conceivable personnel situation that might arise. It is understood that this policy will require modification from time and it should not be regarded as fixed or unchangeable, but subject to growth and change.

1.02 Conditions and Amendments

These policies shall become part of the employment conditions of each employee. Employment with the City shall be contingent upon the employee's compliance with all of the provisions of these policies applicable to such employee.

Changes to these policies may be recommended by any employee to their immediate supervisor to be forwarded to the City Manager. The City Manager has the sole authority to change these policies and regulations, subject to the approval of and such exceptions as the City Council may deem necessary.

1.03 Non-Discrimination

The City of Freeport will comply with the Civil Rights Act of 1964 and subsequent amendments thereto, and will not discriminate in its policies because of handicap, race, color, creed, national origin, religion, sex or age. However, it must be recognized that in certain job classifications and performance of the duties of certain positions, qualifications must be set that may direct or restrict, in certain cases, the field of applicants to those who qualify for that particular position. Also some restrictions will be placed on positions that require certain educational and experience qualifications.

It is the policy of the City of Freeport to comply with the Equal Employment Opportunity legislation and be in compliance as an Equal Employment Opportunity Employer.

1.04 At-Will Employment

The City of Freeport is an employment-at-will employer as defined under Texas common law. As such, the employment relationship between the employee and the City is terminable at the will of either the City or the employee, with or without cause, at any time without notice, and for any reason. The City may set rules and regulations governing the conduct of the employees, but no communication or practice shall limit or modify the employment-at-will relationship. This manual is not intended to create a contract of employment. No agreement or promise regarding an individual's employment is binding on the City unless it is in writing and signed by the City Manager or his/her designee. The provisions of this manual control over any conflicting statements made by any Department Director or Supervisor. The City Manager, with the approval of the City Council, has the right to change these policies at any time without notice.

CHAPTER TWO

ORGANIZATION AND PERSONNEL

2.01 Role of Mayor and City Council

The City Council is comprised of four council members and the Mayor, and is the policy making body for the City of Freeport. The Mayor is the presiding officer of the City Council, and is the ceremonial head of the City government.

2.02 Role of City Manager

The City Manager is the Chief Executive and Chief Administrative Officer of the City and is appointed by the City Council. The City Manager is responsible to the City Council for the administration of all affairs of the City. The City Manager appoints and removes all employees, except those whose appointment or removal is otherwise provided for by the City Charter or specific ordinance. Except for purpose of inquiry, the Mayor and City Council shall deal with the administrative services solely through the City Manager and shall not give orders, either publicly or privately, to any employee of the City except the City Manager. Provided however, when the City Manager is unable to perform the duties of his/her office for any reason, or if such office becomes vacant, until an Acting City Manager is appointed, a qualified employee designated in writing by the City Mayor, with the consent of the City Council shall perform the duties of the City Manager hereunder.

2.03 Role of Department Directors

The Department Directors are to supervise their designated department within the City. These Department Directors are appointed by the City Manager. The City Manager and Department Directors make up the management team and are responsible for the efficient operation of City services through team leadership. With the approval of the City Manager, Department Directors may appoint personnel as supervisors to assist them in the fulfillment of their supervisory duties. Department Directors are expected to effectively lead their department employees in meeting and achieving the goals and objectives of their department and establishing policies, which are not inconsistent with these policies, which lead to the fulfillment of the City's mission.

2.04 Role of Operations Personnel

Operations personnel are those employees who are responsible for the day to day operation of City services. Each employee will have a general job description and will be assigned to a particular department. However, each employee works for the City of Freeport and as a City employee, may from time to time, at the discretion of the employee's supervisor, be assigned to jobs outside of his/her regular department and/or outside of the duties of his/her general job description.

CHAPTER THREE

EMPLOYEE APPOINTMENTS

3.01 Equal Employment Opportunity

The City of Freeport is an Equal Opportunity Employer. No hiring or employment decision shall be based upon race, color, religion, sex, national origin, age or disability. However, it must be recognized that in certain job classifications and performance of the duties of certain positions, qualifications must be set that may direct or restrict, in certain cases, the field of applicants to those who qualify for that particular position.

3.02 Americans with Disabilities Act

In compliance with the Americans with Disabilities Act (ADA) of 1990, the City of Freeport will provide reasonable accommodations to otherwise qualified individuals with disabilities as prescribed in accordance with the Act.

A “reasonable accommodation” may be provided when it enables the employee/applicant to perform the essential functions of the job.

3.03 Application Process

When a vacancy occurs in a City position, the Department Director shall notify the Human Resource Department of such vacancy. The Human Resource Department will announce the vacancy and seek qualified applicants unless otherwise directed by the City Manager. The City Manager may suspend the announcement while Department Directors are reviewing the quantity and quality of pending applicants.

If, after such review, the Department Director feels the quantity and quality of pending applicants is sufficient to warrant interviews, the vacancy announcement may be further suspended by the City Manager pending the outcome of the interviews.

If, after the interviews, the Department Director feels an appointment recommendation is warranted, he/she shall notify the Human Resource Department, which shall terminate the announcement process. However, if the Department Director feels an additional search for qualified applicants is warranted, he/she shall notify the Human Resource Department, which shall reinstate the announcement process.

Any vacancy announcement shall state the City's commitment as an Equal Employment Opportunity Employer and shall specify the position title, required and preferential qualifications, and the deadline for and method of application. Such announcement shall also specify the location of a written job description for applicants.

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Applications for employment with the City of Freeport shall be provided by the Human Resource Department. Resumes may be utilized for initial screening of applicants. However, no person shall be employed by the City of Freeport without having a formal application on file with the City of Freeport.

As required by law, all solicited applications will be kept on file at City Hall for one (1) year.

All applicants will be required to meet the qualifications listed in the job description for the position they seek. Additionally, applicants shall be required to furnish information that demonstrates compliance with the standards for employment prescribed in the job descriptions.

3.04 Nepotism

No applicant related to the Mayor, any member of the City Council, or the City Manager, within the first and second degree of affinity, (related by marriage) or the first, second, and third degree of consanguinity, (blood relation) shall be appointed to any position of employment in the City of Freeport.

No applicant related to an employee of the City, within the first degree of affinity, or the first and second degree of consanguinity, shall be appointed to any position in the City of Freeport without the written approval of the City Manager.

During the course of employment, should two or more employees within the same department become related by affinity within the first degree, and they wish to remain City employees, they will be prohibited from taking any position which would involve an employee being supervised by a member of his/her immediate family, unless the City Manager, in writing, determines that the appointment would not be detrimental to the operation of the City.

Consanguinity (Blood Relationships)

1st Degree

Father
Mother
Son
Daughter
Brother
Sister
Half Brother
Half Sister

2nd Degree

Grandfather
Grandmother
Grandson
Granddaughter
Uncle
Aunt
Nephew
Niece
1st Cousin

3rd Degree

Great Grandfather
Great Grandmother
Great Grandson
Great Granddaughter
Great Uncle
Great Aunt
Great Nephew
Great Niece
Great Cousin

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Affinity (Marriage Relationships)

1st Degree

Mother-in-law
Father-in-Law
Brother-in-Law
Sister-in-Law
Son-in-Law
Daughter-in-Law
Spouse
Step Father
Step Mother
Step Son
Step Daughter

2nd Degree

Grandfather-in-law
Grandmother-in-Law
Grandson-in-Law
Granddaughter-in-Law
Uncle-in-Law
Aunt-in-Law
Nephew-in-Law
Niece-in-Law
1st Cousin-in-Law

3.05 Drug Testing and Physical Examinations

Before being appointed, and after a conditional offer of employment, a prospective employee shall undergo a thorough medical, and/or psychological examination, and a drug and alcohol test by a physician designated by the City. All employees are subject to the City's Policies and Procedures for a Drug-free Workplace and the City's Mandatory Drug Testing Program, along with the Random Drug Testing Program.

3.06 Eligibility for Rehire

Former employees will be eligible for re-employment with the City at the discretion of the City Manager; however, they shall not receive preference over other applicants on the basis that they were formerly employed by the City. If a former employee is rehired, he/she will be subject to all probationary periods as set forth in the policy handbook.

3.07 Transfers

The Department Director may transfer employees from one position to another within their department. Employees may also be transferred from one department to another with the consent of both Department Directors. The City Manager may also transfer an employee between departments to facilitate an efficient use of City personnel. All transfers must be reported to and approved by the City Manager before becoming effective.

A report of Disciplinary Action must be completed when a transfer is made for disciplinary reasons.

Employees interested in transferring to a vacant position within the City should submit a letter of interest to the Department Director and forward a copy to the Human Resource Department.

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3.08 Promotions

The City of Freeport is committed to a policy of hiring and rewarding qualified employees and shall make every effort to fill vacant positions by promotion of current personnel. When a position becomes vacant, the Department Director shall make a determination as to whether any current personnel are qualified for the position. If the Department Director determines that current personnel are qualified for the position, then the Department Director shall begin the selection process to fill the position internally. If the Department Director determines that current personnel are not qualified for the position, the Department Director shall notify the Human Resource Department, which shall initiate the process to announce the vacancy. All promotions must first be approved by the City Manager.

3.09 Employment of Minors

Minors may be considered for employment within the limitations of state and federal laws.

- I. 16-17 year olds may be hired for any nonhazardous jobs
- II. 14-15 year olds may be employed outside of school hours under the following conditions:
 - a. No more than 3 hours on a school day
 - b. No more than 18 hours in school week
 - c. 8 hour maximum on non-school day
 - d. 40 hour maximum in a non-school week
 - e. Work may not begin before 7 a.m.
 - f. Work may not extend past 7 p.m., except between June 1 and Labor Day, when evening hours are extended to 9 p.m.
- III. Under special provision, 14-15 year olds enrolled in an approved work training program may be employed for over 18 hours in a school week, including during school hours; however, prior approval must be obtained by the City Manager.

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3.10 Definitions of Employment

The following are definitions of employment status:

- Part-time - Employees who are budgeted to work 40 hours or less per pay period. (No benefits are received).
- Temporary - Employees hired for a defined period of time. (No benefits are received).
- Seasonal - Employees hired for a seasonal period of time. (No benefits are received).
- Full-time (Regular) - Employees who are budgeted to work at least 80 hours per pay period. (Benefits are provided).
- Probationary - Employees who have taken new job responsibilities and who are considered full-time (regular) employees.
- Contract - Individuals who have a written contract from the City to perform specified functions.

3.11 Employee Evaluations

It is the intention of the City of Freeport to recognize the performance of its employees through the administration of Performance Evaluations. These evaluations will assist in the determination of rates, status, employee strengths, and areas of needed improvement.

Performance evaluations shall occur at the discretion of the City Manager. All evaluations shall be executed by the employee's Director or designated supervisor. Employees who desire to request an appeal of their evaluation may do so through the City's Grievance Process.

CHAPTER FOUR

PROBATION

4.01 Purpose of Probation

The probationary employment period is utilized to secure the most effective adjustment of the employee to his/her new job responsibilities. During this time, the employee is closely observed by their supervisors to make sure they are fulfilling his/her job duties effectively and in a positive manner. The skills and attitudes identified during the selection process are evaluated and improvements made as needed.

4.02 Length of Probation

During the first six (6) months after original, rehire, or promotional employment, each employee shall be considered a probationary employee; unless, the probationary period is extended at the discretion of the Department Director.

The length of probation can be extended at the discretion of the Department Director on the basis of the employee's performance.

4.03 Completion of Probation

During the probationary period there will be a three (3) month and a six (6) month evaluation performed before an employee may be taken off the probationary status.

Once the probationary period is finished, the employee's supervisor must make a recommendation to the City Manager as to whether the employee exhibits the qualifications necessary for success in the position. The City Manager shall then appoint the employee to the position with regular status or remove the individual from employment with the City.

An appointment to regular status should not be construed as a guarantee of permanent employment by the City of Freeport. Regular status indicates that an individual has successfully completed the probationary period. Employment with the City is "at-will" and the City reserves the right to remove any individual from employment at any time with or without cause. Likewise, an employee of the City is free to resign from employment with the City at any time.

4.04 Removal During Probation

During the probationary period for original or rehire, a Department Director may remove an individual from employment at any time. Where probationary status is for a promotional appointment the Department Director may remove the individual from the position at any time, and may or may not reinstate him/her to his/her former position. All removals or reinstatements within the City are subject to the approval of the City Manager.

CHAPTER FIVE

STANDARDS OF CONDUCT

5.01 Personal Appearance

The City of Freeport understands the necessity for each department to set their own dress standards. Therefore, each department will establish a dress policy for their employees based on the type of duties assigned.

5.02 Ethics

Personal conduct of employees should be such that it is a credit to themselves and the City. In matters of general conduct, within the scope of these policies, employees will be governed by the precepts of good moral behavior observed by law-abiding citizens.

The proper operation of democratic government requires that employees be independent, impartial, and responsible to the people, that government decisions and policy be made within the proper channels of the government structure, that public office not be used for personal gain and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics for all City employees is adopted. The purpose of this code is to establish guidelines for ethical standards of conduct for all such employees by setting forth those acts or actions that are incompatible with the best interests of the City and interests affecting the City.

5.03 Violations of Policies/Acts of Misconduct

In general, violations of personnel policies or acts of misconduct by City employees shall be cause for disciplinary action. These violations and acts include, but are not limited to the following:

- Conviction of a felony.
- Conviction for illegal possession, transportation, use or sale of intoxicating liquors or drugs.
- Use or being under the influence of intoxicants or drugs while on duty or while in City uniform all or part, or operating a City vehicle.
- Engaging in sabotage or espionage.
- Theft from the City or from other City employees.
- Falsifying City records.
- Immoral conduct or indecency.
- Inciting or engaging in strikes or riots.

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- Possessing firearms or explosives on City property or in a City vehicle without authorization. This also applies to employees with a concealed handgun license, except Peace Officers.
- Falsifying information on employment application or employment documents.
- Provoking or instigating a fight.
- Fighting while on duty.
- Sleeping while on duty.
- Insubordination.
- Engaging in horseplay while on duty.
- Unauthorized absence from duty.
- Disregard for safety practice.
- Abuse or unauthorized use of City equipment.
- Neglect of duty.
- Deliberately restricting work output.
- Threatening, intimidation, coercing, or interfering with fellow employees.
- Wasting time, loitering, or leaving the place of work without permission.
- Excessive tardiness or absences.
- Failure to report an on the job injury within twenty-four hours, except injuries that occur during the weekend, which can be reported Monday.
- Failure to report an incident within twenty-four hours, except where they have occurred during the weekend, which can be reported Monday.
- Contributing to unsanitary conditions or poor housekeeping.
- Conduct subversive to proper order, discipline, or morale of municipal service.
- Violation of any of the Personnel Policies made in this manual

The above listings are not intended to be all-inclusive of the types of violations or acts of misconduct that may be cause for disciplinary action. If any employee has any question whether an action is in violation of City policy, they should refer their question to their Supervisor, Department Director, or the City Manager immediately.

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5.04 Conflict of Interest

Employees shall conduct their affairs and actions so that there will be no conflict of interest with their employment by the City of Freeport.

Conflict of interest shall include but not be limited to:

- Soliciting, accepting, or agreeing to accept a financial benefit, other than from the City that might tend to influence the employee's performance of duties for the City, of that which the employee knows or should know is offered with intent to influence the employee's performance.
- Accepting employment or compensation that might reasonably induce the employee to disclose confidential information acquired in the performance of official duties.
- Accepting outside employment or compensation that might reasonably tend to impair independence of judgment in performance of the duties for the employee.
- Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the City.
- Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a City employee as a favor to that person.

5.05 Gifts

Any gift received by a City employee must not be used for influential purposes.

5.06 Outside Interest

An employee of the City of Freeport is not permitted to engage in outside employment where such employment would bring the City into disrepute, reflect discredit upon the employee as an employee of the City, interfere with the performance of the employee's City duties, present a conflict of interest, result in misuse of City property or funds, or result in use of the City position for personal gain.

Outside employment, which does not constitute a conflict of interest, interfere in the performance of their normal duties, nor involve the use of City time or equipment, may be permitted with the written approval of the City Manager.

Request for approval of outside employment must be made in writing in advance of accepting outside employment, and in each case, approval by the City Manager must be received in writing before the employee accepts outside employment. A copy of any written approval for outside employment will be placed in the employee's personnel file.

5.07 Holding Public Office and Participation in City Elections

No employee shall continue in his position with the City after becoming a candidate for nomination or election to any City of Freeport office. Additionally, no employee will be permitted to take an active part in any political campaign for an elective position in the City of Freeport. "Active Part" means making political speeches, passing out literature, writing letters, signing petitions, soliciting votes, and making public remarks about candidates for such elective positions. Any employee who violates the provisions of this section will be subject to disciplinary action.

City employees are not required to contribute, directly or indirectly, to any political fund or offer any political service to any person or party. No employee shall be removed, reduced in classification or salary or otherwise prejudiced for refusing to do so. Any personnel employed with the City of Freeport, who attempts to require such contribution will be subject to disciplinary action.

The City of Freeport encourages all employees to exercise their First Amendment right to vote.

5.08 Solicitations

Solicitations for sale of items or donations and distribution of literature of any kind for any purpose without City Manager approval is prohibited by the public or City employees on City property during working hours.

5.09 Personnel Records Access

The City of Freeport maintains a personnel file for every employee. It is important that accurate, current records be maintained for benefits and employment purposes. Therefore, all employees are required to notify human resources immediately if there is any change in relevant personal or employment information such as changes in address, phone numbers, marital status, emergency contact, insurance beneficiary, number of dependents, or legal name.

All information contained in the personnel file is the property of the City of Freeport and is not available for review by anyone other than the employee, his or her Director, the City Manager, and the human resources department. Employees may examine their personnel files after contacting the human resources department in advance to schedule an appointment; however, these documents may not be removed from the City of Freeport's premises or photocopied without the specific authorization of the City Manager.

If an employee believes that information in their personnel file is incorrect, they must submit a written request to change the information to the human resources department. If such a request is granted by the City Manager, the human resource department will make the change

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and notify the employee of such change. If the request is denied, an employee can ask to place a statement of disagreement in the file. This statement of disagreement will become a permanent part of the employee's file.

The City of Freeport considers falsification of personnel records to be a serious offense and upon discovery can lead to disciplinary action up to and including termination.

As a municipality, personnel records are subject to the Open Records Act.

5.10 Confidential Information

All City files and information regarded as confidential by federal, state, or local regulations shall be maintained and appropriated according to those regulations.

Such files/information include, but or not limited to: personnel files, medical files, criminal/arrest records, claim files, court files, and any non-public information files.

Medical Information

The City of Freeport strives to protect the privacy of its employee's and citizen's medical information to the greatest possible extent. To that end, we provide the following guidelines regarding the confidentiality of medical information:

- Any medical information concerning employees will be maintained in separate, confidential medical files apart from regular personnel records. Only authorized employees may have access to such files.
- Employees are hereby notified that medical information concerning employees or citizens is absolutely confidential under state and federal laws and may not be discussed at any time with any person under any circumstances, unless an employee needs to do so in order to carry out his or her job duties, or unless the person discussing the information is talking with the subject of the information at that person's invitation. If an employee is concerned about a possible medical condition on the part of a coworker, the employee must receive that information from the coworker.
- Any employee who is found to have discussed medical information about another employee or citizen with anyone else is in violation of this policy, or who is found to have released such information without authorization, will be subject to disciplinary action, up to immediate termination. In addition, state and federal laws may subject such an employee to both civil and criminal action in a court of law.

5.11 Meal and Break Time

Except for public safety personnel, an unpaid lunch period is allowed during a work shift.

Employees in customer service will arrange their breaks so that service is always available. Lunchtime may not be substituted for time off work unless special authorization is granted by the City Manager. Office personnel should not consume food in view of the public, unless a substitute is not available in a customer service department.

Two 15-minute breaks shall be permitted as workload permits, one in the morning and one in the afternoon. Breaks are to be taken out of view of citizens if possible.

Break practices not permitted are:

- Combining two or more breaks into one.
- Dividing one break into several smaller breaks.
- "Banking" break period time from day to day.
- Saving break time to extend lunch period or shorten shift.

5.12 Use of Tobacco

In an effort to meet the needs of smokers and non-smokers and to provide a pleasant and productive working atmosphere for all employees, the use of smoking and smokeless tobacco shall be confined to designated areas as determined by the principal facility Department Director.

All tobacco use is prohibited in any City vehicles, City buildings and while addressing the public.

5.13 Alcohol and Drug Abuse

The City of Freeport is responsible for providing a safe, healthy, and productive work environment for all employees and the public it serves, and expects all employees to report to work fit for duty and free from the influence of alcohol or drugs.

When reasonable suspicion exists to believe that an employee or City contractor is violating the provisions of this policy, the City reserves the right to request an employee to submit to an alcohol/drug test and/or inspection of employee or contractor work areas, which would include City vehicles, desks, lockers, and any personal items brought onto City premises including personal vehicles.

Any employee or contractor refusing to submit to an alcohol/drug test or inspection under this provision, will be removed from his/her position and be subject to discipline up to and including termination. For all testing, except pre-employment, the employee will be required

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to report to the testing agency within four hours of notification or immediately following an incident. If an employee fails to report within the appropriate time period, the employee is subject to termination.

Any employee testing positive for a prohibited substance will be terminated.

5.14 Gambling

An employee shall not engage or participate in gambling in any form while on duty, in a City uniform, or on City property.

5.15 Harassment in the Work Place

The purpose of this policy is to maintain a professional, businesslike work environment, free from all forms of employee discriminations and to provide procedures for reporting, investigating, and resolution of complaints or harassment, sexual or otherwise.

It is the policy of the City of Freeport that all employees have the right to work in an environment free of all forms of harassment. Therefore, the City does not condone, and will not tolerate, any harassment. The City shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment, sexual or otherwise.

The City of Freeport prohibits harassment because of sex (including sexual harassment, harassment due to pregnancy, childbirth, or related medical conditions and gender harassment) and harassment because of race, religion, color, national origin, medical condition, physical or mental disability, age or any other basis protected by federal, state, or local law, regulation, or ordinance.

The City's anti-harassment policy applies to all individuals involved in the operation of the City, and prohibits unlawful harassment by an employee including officers, supervisors, and co-workers, or by any vendors and/or independent contractors and their employees.

Non-employee violators of this policy are subject to expulsion from City facilities when harassment occurs on City premises. The City may discontinue service to violators of this policy. Furthermore, the City may report violators to the appropriate authority for civil or criminal action.

The City of Freeport prohibits retaliation of any kind against employees, who, in good faith, bring harassment complaints or assist in investigating such complaints.

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Prohibited Harassment:

Prohibited harassment because of sex, sexual preference, race, religion, color, national origin, medical condition, physical or mental disability, age, marital status or any other protected basis includes, but is not limited to, the following behavior:

- Explicitly or implicitly ridiculing, mocking, deriding, or belittling any person.
- Making offensive or derogatory comments, slurs or jokes, and other verbal or physical conduct based on color, sex, sexual preference, religion, national origin, physical anatomy or characteristics, medical condition, physical or mental disability, or age either directly or indirectly to another person.
- Making threats of physical harm
- Physical contact such as pushing, punching, shoving, blocking another's way, assault, or interference with another person's work.
- Making "unwelcome" sexually suggestive physical contact or gestures. Any verbal or visual sexually oriented jokes, comments, e-mails, drawings, photos, and propositions.
- Making threats or demands to submit to sexual advances or requests as a condition of continued employment, offers of employment benefits in return for sexual favors, or to avoid some other negative employment action.
- Retaliation against any employee for making an allegation of harassment or for participating in such an investigation.

Sexual Harassment:

Sexual harassment is defined as "unwelcome" sexual advances, request 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 employment.
- Submission to or rejection of such conduct by an employee is used as a basis for employment decisions affecting the employee.
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
- The definition of sexual harassment includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

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Employers Responsibilities:

Each supervisor shall be responsible for preventing acts of harassment.

This responsibility includes:

- Monitoring the work environment on a daily basis for signs that harassment may be occurring.
- Counseling all employees in the types of behavior prohibited and the department procedures for reporting and resolving complaints of harassment.
- Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision.
- Taking immediate action to limit the work contact between two employees where there has been complaint of harassment pending investigation.

Each supervisor has the responsibility to assist any employee of this City, who comes to that supervisor with a complaint of harassment, pending investigation.

Employees Responsibilities:

Each employee of the City of Freeport is responsible for assisting with prevention of harassment through the following acts:

- Refraining from participation in, or encouragement of, actions that could be perceived as harassment.
- Reporting acts of harassment to a supervisor immediately following the incident.

Complaint Procedures:

Employees encountering harassment shall tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.

Any employee who believes that he/she is being harassed shall report the incident to his/her supervisor as soon as possible so steps may be taken to protect the employee from further harassment and appropriate investigative and disciplinary measures may be initiated. Where this is not practical, the employee may instead file a complaint with another supervisor.

The City Manager or his designee is to verify whether a violation of law and City policy has occurred and will promptly and thoroughly investigate any complaint of harassment. Where the allegation is verified, prompt and appropriate corrective action and disciplinary measures, up to and including dismissal will be implemented.

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The City will inform parties involved of the outcome of the investigation.

Upon receipt of a report on the investigation of a complaint of harassment against the City Manager, the Mayor shall present the report to the City Council. If the City Council determines that the complaint of harassment is founded, it may discipline the City Manager consistent with its authority under the City Charter, ordinances, resolutions or rules governing discipline of the City Manager.

In cases of harassment committed by a non-employee against a City employee in the workplace, the City Manager shall take all lawful steps to insure that the harassment is brought to an immediate end.

Disciplinary action may also be taken, against any employee who fails to report instances of harassment, or who files a complaint of harassment in bad faith.

An employee reporting an incident of harassment or assisting, testifying, or participating in the investigation of such complaint shall not be subject to any adverse employment action unless it is determined that the employee made the allegation knowing it was false.

Employees accused of harassment may file a grievance/appeal in accordance with the City's procedure when they disagree with the investigation or disposition of a harassment claim.

This policy is not intended to replace, but is in addition to, any rights or remedies an employee may have under the state and federal laws.

5.16 Retaliation

The City of Freeport complies with the State of Texas Whistle Blower Act and all other laws regulating retaliation. The City of Freeport encourages employees to report any alleged infraction of the law without fear of retaliation.

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5.17 Workplace Violence/Weapons Policies

The City of Freeport has a zero tolerance policy for violence in the workplace. “Workplace Violence” is defined to include, but not be limited by:

- Physically aggressive, violent or threatening behavior, such as attempts to instill fear in others or intimidation.
- Verbal or physical threats of any sort.
- Any other conduct that suggests a tendency toward violent behavior. Such behavior includes, but is not limited to, excessive arguing, profanity, threats of sabotage of City property, belligerent speech or a demonstrated pattern of insubordination, and refusal to follow policies and procedures.
- Causing physical damage to City facilities or defacing City property.
- With the exception of Police Officers, carrying firearms or weapons of any type or kind onto City premises, parking lots, or while conducting business.

If any employee becomes aware of or observes any of the above referenced behavior or actions by a co-worker, contractor, customer, third party vendor, visitor, or any other party, he or she should notify his/her supervisor immediately. Employees should notify the human resource department if they are aware of any restraining orders that are in effect, or of the existence of any other non-work-related situation with the potential to erupt into workplace violence.

All reports of violence in the City of Freeport workplace will be taken seriously and will be investigated thoroughly and promptly. The City of Freeport will not tolerate retaliation in any form against an employee who makes a report of workplace violence.

If, after a thorough investigation, the City determines that workplace violence has occurred, appropriate corrective action will be taken, and discipline will be imposed on the offending employee. If a non-employee is responsible for the violent activities, the City will take corrective action to ensure that such behavior is not repeated.

The City of Freeport does not allow any job applicant, employee, contractor, subcontractor, vendor, agent or representative to possess, use, conceal, carry or maintain a weapon or handgun on City premises (except for Police Officers). Such premises include any portion of City owned or leased buildings, any City owned or leased driveway or parking lot, and any City owned or leased vehicle or equipment. The City also prohibits the carrying of a weapon or concealed handgun on your person or property while you are rendering any services or attending any event or function relating to your employment with the City or conducting any business on the City’s behalf (except for Police Officers).

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If the City of Freeport has a reasonable suspicion at any time that a concealed handgun or weapon has been maintained, carried or stored in violation of this policy, the City reserves the right to conduct a reasonable search of the person, work area, personal items or any vehicle in the possession or subject to the control of such person to investigate whether or not a prohibited weapon is present. Any employee who witnesses the concealment or possession of a weapon or who witnesses a physical or verbal assault involving another person should report it to their supervisor immediately.

Violating this policy or refusing to consent to a reasonable search conducted pursuant to this policy may lead to discipline up to and including termination.

5.18 Searches

The City of Freeport has adopted a search policy for the purpose of allowing the City to monitor compliance with reasonable work and safety rules and that all employees are subject to the policy. If a search is requested, it is not an accusation of theft or other wrongdoing; it is merely part of a city investigation. All searches must first be approved by the City Manager.

A search may include, but is not limited to, the employees, their work areas, lockers, vehicles if driven or parked on City premises or used on city business, and any other personal items brought onto City premises. All of the aforementioned areas are subject to search at any time. If the city allows employees to have lockers or other storage areas, the City will either furnish the lock and keep a copy of the key or combination, or allow the employee to furnish a personal lock; however, in that event, the employee must provide the City with a copy of the key or combination.

All searches will be conducted in a careful and considerate manner. If an employee refuses to submit to a search, it may lead to immediate termination.

5.19 Use of City Owned Vehicles

Vehicles are to be used for City business. Where it is deemed justifiable, the City will allow take home vehicles. Employees assigned to take home vehicles may be permitted to use said vehicles for incidental and periodic personal use. Regular personal use is prohibited.

Employees assigned vehicles must use discretion that would not reflect negatively on the City's image.

No City vehicle will be operated by an employee who does not have a proper license to operate such type of vehicle. No riders except those authorized by an employee's supervisor shall be permitted in City owned vehicles. No city vehicle is to be operated by anyone who is not a City employee.

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5.20 Use of City Equipment

The use of equipment by a City employee will be limited and its use will be governed, controlled, and approved by the employees' supervisor.

Any equipment damaged or broken due to negligence by the employee may subject the employee to disciplinary action.

5.21 Use of Personal Vehicles for City Business

The City will reimburse mileage at the Internal Revenue Service rate. Prior approval must be obtained from the Department Director. The City pays for maintenance costs through the mileage charge. Consequently, the City will not pay employees for maintenance or mechanical repairs.

5.22 Use of Telephone/Cellular Phones

Telephones/Cellular phones in City offices, warehouses, police station, fire stations, and other City buildings are for City business. Employees are allowed to make local personal calls but should hold them to a minimum. These calls should be made, if at all possible, on the employee's break time. Any person abusing the use of the telephones/cellular phones is subject to disciplinary action. Personal communication devices such as cell phones and pagers are not allowed while on duty.

5.23 Internet Usage

Internet services are provided by the City of Freeport to support open communications and exchange of information and the opportunity for collaborating government-related work. The City of Freeport encourages the use of electronic communications by its agencies and employees. Although access to information and information technology is essential to the missions of government agencies and their users, use of Internet services is a revocable privilege. Conformance with acceptable use, as expressed in this policy statement is required. Agencies of the City are expected to maintain and enforce this policy.

The use of the City's automation systems, including computers, fax machines, and all forms of Internet/Intranet access, is for business and is to be used for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks, or before or after regular work hours), and does not result in expense to the City of Freeport.

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Use is defined as “excessive” if it interferes with normal job duties, responsiveness, or the ability to perform daily job activities. The City’s automation systems are City resources and are provided as business communication tools. Electronic communication should not be used to solicit or sell products, distract co-workers, or disrupt the workplace.

Inappropriate computer usage includes, but is not limited to:

- Sending chain letters.
- Engaging in private or personal business activities.
- Misrepresenting oneself or the City of Freeport.
- Engaging in unlawful or malicious activities.
- Using abusive, profane, threatening, racist, sexist or otherwise objectionable language in either public or private messages.
- Sending, receiving, or accessing pornographic materials.
- Becoming involved in partisan politics.
- Causing congestion, disruption, disablement, alteration or impairment of networks or systems.
- Using recreational games.
- Defeating or attempting to defeat security restrictions on City systems and applications.
- Accessing other personnel’s computers without proper authorization.

Using City automation systems to create, view, transmit or receive racist, sexist, threatening or otherwise objectionable or illegal material is strictly prohibited. “Material” is defined as any visual, textual or auditory entry. Such material violates the City’s anti-harassment policies and is subject to disciplinary action. The City’s electronic mail system must not be used to violate the laws and regulations of the United States or any other nation or state, city, province or other local jurisdiction in any way. Use of City resources for illegal activity can lead to disciplinary action up to and including termination and criminal prosecution.

Ownership and Access of Electronic Mail and Computer Files

The City of Freeport owns the rights to all data and files in any computer, network or other information system used in the City. The City of Freeport also reserves the right to monitor electronic mail messages and their content. Employees must be aware that the electronic mail messages that they send and receive using City equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by the City at all times. No employee may access another employee’s computer, computer files or electronic mail messages without prior authorization from either the employee or the Department Director.

Confidentiality of Electronic Mail

As noted above, electronic mail is subject at all times to monitoring and the release of specific information is subject to applicable state and federal laws and City rules, policies, and procedures on confidentiality. Existing rules, policies and procedures governing the

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sharing of confidential information also apply to the sharing of information via commercial software. Since there is the possibility that any message could be shared with or without your permission or knowledge, the best rule to follow in the use of electronic mail for non-work related information is to decide if you would post the information on the office bulletin board with your signature.

It is a violation of City policy for any employee, including system administrators to access electronic mail and computer systems files to satisfy curiosity about the affairs of others. Employees found to have engaged in such activities will be subject to disciplinary action.

Message Tone for Electronic Mail

City employees are expected to communicate with courtesy and restraint with both internal and external recipients. Electronic mail should reflect the professionalism of the City and should not include language that could be construed as profane, discriminatory, obscene, sexually harassing, threatening, or retaliatory. Employees should remember that e-mail is a form of business communication and the language they use should reflect that fact at all times. E-mail is also subject to the Open Records Act.

Electronic Mail Tampering

Electronic mail messages received should not be altered without the sender's permission nor should electronic mail be altered and forwarded to another user and/or unauthorized attachments be placed on another's electronic mail message.

Policy Statement for Internet/Intranet Browser(s)

This policy applies to all uses of the Internet, but does not supercede any state or federal laws or City policies regarding confidentiality, information dissemination or standards of conduct. The use of City automation systems is for business purposes. Brief and occasional personal use is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks) and does not result in expense to the City. Use is defined as "excessive" if it interferes with normal job function, responsiveness or the ability to perform daily job activities. Examples of inappropriate use are defined in "Inappropriate Use of the Internet/Intranet" found below. The City Manager will determine the appropriateness of the use and whether such use is excessive.

The Internet is to be used to further the City's mission, to provide effective service of the highest quality to the citizens of Freeport and staff and to support other direct job-related purposes. Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development. The various modes of Internet/Intranet accesses are the City's resources and are provided as business tools to employees who may use them for research, professional development, and work-related communications.

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Employees are individually liable for any and all damages incurred as a result of violating City security policy, copyright, and licensing agreements. All City policies and procedures apply to employees' conduct on the Internet, especially but not exclusively, relating to: intellectual property, confidentiality, City information dissemination, standards of conduct, misuse of City resources, anti-harassment and information and data security. Violation of these policies and/or state and federal laws can lead to disciplinary action up to and including dismissal and possible criminal prosecution.

Internet/Intranet Security

The City of Freeport owns the rights to all data and files in any information system used in the City facilities. Internet use is not confidential and no rights to privacy exist. The City reserves the right to monitor Internet/Intranet use, both as it occurs and in the form of account histories and their content. The City has the right to inspect any and all files stored in private areas of the network in order to assure compliance with policy and state and federal laws. The City will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities. Existing rules, policies, and procedures governing the sharing of work-related or other confidential information also apply to the sharing of information via the Internet/Intranet. The City has taken necessary actions to assure the safety and security of our network. Any employee who attempts to disable, defeat or circumvent the City security measures is subject to disciplinary action up to and including termination.

City employees that inadvertently access a compromising web site must notify their supervisor immediately. Documentation of such access should be forwarded to their personnel file.

CHAPTER SIX

DISCIPLINE PROCESS

6.01 General Provisions

It is an objective of the City of Freeport to maintain an effective and productive work force in order to deliver quality services. Each employee is responsible for performing their job in a safe, productive, and effective way and within the instructions and standards established by their supervisor. In addition, employees are expected to maintain acceptable standards of conduct in their employment. Supervisors are charged with assisting employees in correcting unsatisfactory performance and unsatisfactory conduct through disciplinary procedures up to and including termination.

When taking disciplinary action, the City will adhere to the following general guidelines:

- Employees will be treated fairly and equitable. Action will be taken in an objective and professional manner and shall not be based on the personal feelings of the individual administering the disciplinary action.
- The decision to take disciplinary action shall be based on a careful assessment of the circumstances of each case. Factors to consider in the assessment are: the prior disciplinary record of the employee, and the potential effect of the violation on other personnel and/or the City organization.
- All disciplinary action shall be documented and forwarded to the employee's personnel file.

6.02 Reasons for Disciplinary Action

The following list of actions are intended to serve only as a guide to the types of problems for which disciplinary action may be appropriate. The list is not intended to be all-inclusive.

- Incompetence.
- Absenteeism.
- Absence without approved leave.
- Tardiness.
- Lying.
- Misuse of break periods.
- Inappropriate attire.
- Violation of departmental and city policies.
- Careless, negligent, or improper use of City property or equipment.
- Discourteous treatment of the public or other employee.

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- Neglect or carelessness in the performance of duties.
- Failure to meet or maintain specified conditions of employment, such as failure to obtain or maintain a license or certificate required as a condition for performing a job.
- Theft of, aiding in, or encouraging the theft of any property, public or private.
- Destroying City records without authorization.
- Falsifying information on City records, including his/her application for employment, medical information or other information concerning his/her employment status.
- Willful damage of public property or willful waste of public supplies, service, or equipment.
- Insubordination.
- Illegal use and/or possession of drugs.
- Physical assault committed on the job, upon a City employee, member of the public or City official.
- Using an official position or office for economic gain or soliciting favors or gratuities for performing services required by the employee's position.
- Disclosing confidential information.
- Unauthorized use or possession of City funds.
- Unlawful possession or use of dangerous weapons, such as firearms or knives on the job.
- Making threats against another employee or a member of the public.
- Engaging in any employment activity or enterprise that constitutes a conflict of interest.
- Using City property or equipment without authorization.
- Violating the City drug and alcohol abuse policy.
- Using abusive language toward employees, supervisor, or the public.
- Unnecessarily disrupting the work of other employees.
- Operating or conducting gambling on the job or on City property.
- Violating safety rules or practices which endanger the employee or others or damages City property or equipment.
- Playing tricks or jokes or engaging in horseplay on the job.
- Violating the City's sexual harassment or other harassment policies.
- Engaging in personal business while on duty without authorization of his/her supervisor.
- Failure to report damage to City property, equipment, or property of others.
- Unofficial use of City information.
- Sleeping on the job.
- Falsely reporting illness or injury, or otherwise attempting to deceive any official of the City as to a health or medical condition.
- Conviction of a felony or misdemeanor involving moral turpitude.
- Repeated conviction of a misdemeanor, whether or not involving moral turpitude.
- Unnecessary rudeness.
- Failure to meet credit obligations.
- Embezzlement.

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Employees may also be dismissed by the Department Director or City Manager when, in the judgment of the Department Director or City Manager, it is in the best interest of the City, to maintain discipline within the organization.

6.03 Types of Disciplinary Action

The purpose of any type of disciplinary action is to insure that violations of policy or acts of misconduct do not occur again. Therefore, the type of disciplinary action administered in a given situation depends on an assessment of the cause and type of the offense. The following are some types of disciplinary actions that may be administered.

- Verbal warning
- Written warning
- Transfer
- Demotion
- Suspension with or without pay
- Termination

This list is not all-inclusive and other types of action may be utilized that fit the situation.

All disciplinary action shall be considered effective at the time that it is initiated by the Department Director.

CHAPTER SEVEN

GRIEVANCE PROCESS

7.01 Right to Grievance

Any employee of the City of Freeport, who feels that they have been improperly or unfairly treated in their work relationship with the City, shall have the right to file a grievance (complaint). Employees are encouraged to use the following grievance procedure and will not be discouraged from submitting a grievance.

7.02 Grievance Procedure

Any employee who has a grievance may submit, within five (5) days, a written statement, with all pertinent details of the grievance, to his/her Department Director. Within five (5) days of receiving the grievance, the Department Director will meet with the employee to discuss the grievance and decide what action, if any, to take regarding the grievance and the employee's right of appeal to the City Manager. The Department Director will have five (5) days to render his/her decision concerning the grievance. If a satisfactory adjustment of the grievance is not reached, the employee may appeal, in writing, to the City Manager for an adjustment of the grievance. Such appeal must be made within five (5) days of the decision of the Department Director.

When an appeal is made, the City Manager shall be given a copy of the grievance, the result of the meeting with the Department Director, and the reason for the appeal. Within five (5) days of receiving the appealed grievance, the City Manager shall meet with the employee to discuss the grievance and decide what action, if any, to take regarding the grievance. The City Manager shall have ten (10) days to decide what action, if any, to take regarding the grievance and notify the employee in writing of the decision. The decision of the City Manager, regarding any action on the grievance, is final.

CHAPTER EIGHT

ATTENDANCE AND LEAVE POLICY

8.01 Attendance

Employees are to be at their place of work on time as prescribed by their respective supervisor. All departments shall maintain daily attendance records. An employee who will be late for work for any reason should attempt to notify their supervisor before working hours begin. Unauthorized tardiness or absences will be cause for disciplinary action.

8.02 Vacation

All probationary or regular status personnel shall acquire vacation credits according to the following schedule and are entitled to take vacation with pay after reaching regular status and a minimum of six (6) months of employment with the City of Freeport.

<u>Year of Employment</u>	<u>Hours Per Year</u>
6 months	40 hrs
1 st	40 hrs
2 nd /4 th	80 hrs
5 th /14 th	120 hrs
15 th /over	160 hrs

No employee shall receive additional compensation for working through his/her vacation without the written approval of the City Manager. Vacation time must be scheduled with the Department Director, who shall consider the needs of the City, the number of personnel needed to effectively operate his/her department, and the schedule and desires of the employee. All vacation scheduled must be approved by the Department Director prior to being taken.

Employees may elect to carry over a maximum of 40 hours past his/her yearly anniversary date. More than the allowable maximum will be lost. Employees will not be allowed to accumulate the carry over hours without the City Manager’s approval.

Personnel with regular status, who leave employment with the City, shall be paid for vacation time. The payment will be made in their final check.

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8.03 Holidays

All personnel with probationary or regular status are entitled to holidays designated by the City Council each year.

The holidays usually observed are:

New Year's Day
Martin Luther King Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day (2)
Christmas Day
Floating Holiday

Total of eighty-eight (88) hours per year.

All holidays shall be paid at the time of occurrence (exception: Fire/EMS). If an employee works on a holiday, that employee will be paid their overtime rate for the hours that they work on that holiday (Up to eight hours). **Note: (Sick/Bereavement policies apply with all pay policies).

Holidays may not be accumulated nor be carried over into the following calendar year without authorization of the City Manager. In addition, no compensation will be made for holidays that have not occurred. Only personnel that have completed their probationary period will be paid their floating holiday upon termination.

Employees who are absent on a scheduled workday, before or after a holiday, may be required by their Department Director to submit a written statement from a physician attesting to their illness.

8.04 Inclement Weather

Employees should not assume the City offices or operations are closed. We are a service operation and as such we are obligated to the citizens to perform our duties. In the event of conditions such as freezing, flooding, etc., employee safety will be considered. If you feel it is unsafe to drive you must contact your supervisor and notify him/her. If you cannot make it to work, you may be charged a day of personal leave or leave without pay. In the event of emergencies that require evacuation (such as hurricanes, major disasters), employees shall refer to their department policy pertaining to emergency procedures.

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8.05 Sick Leave

All personnel, who have probationary or regular status, shall be eligible to earn up to fifteen days of sick leave per year. Credit shall accumulate at the rate of 4.61 hours for each bi-weekly pay period. Unused sick leave can accumulate to a maximum of 720 hours.

Personnel who have achieved regular status and have been employed with the City of Freeport for five (5) years will be paid, when they leave employment with the City, for unused sick leave up to a maximum of 80 hours, on their final paycheck.

Sick leave will be charged by the hour and used for employee or family illness where the employee is too ill to be able to work safely, or an ill family member requires their presence. Family is defined as the employee's spouse, children, parents, spouse's parents, brother, sister, grandparents, or grandchildren.

Employees shall notify their supervisors of their intent to take sick leave prior to, or within two (2) hours before, the time they are scheduled to begin their duties. Failure to give such notification will require the absence to be charged as leave without pay, except in cases of an emergency or an unusual event.

To discourage the abuse of sick leave, employees that call in sick will limit their presence away from their residences, to the doctor's office and pharmacy. Employees, who are out sick for three (3) consecutive days, will need a doctor's full release before returning to work. The City of Freeport does not typically offer light duty in any of its departments. Personnel who violate the provisions of the sick leave policy shall be subject to disciplinary action up to termination.

8.06 Family Medical Leave Act

As required by the Department of Labor, the City of Freeport provides FMLA benefits to qualifying personnel. To be eligible for FMLA benefits, an employee must:

- (1) work for a covered employer
- (2) have worked for the employer for a total of 12 months
- (3) have worked at least 1,250 hours over the previous months; and
- (4) work at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the employer within 75 miles.

An eligible employee is granted up to a total of 12 workweeks of unpaid leave during any 12-month period with continued health care benefits.

It is the policy of the City of Freeport to run FMLA leave concurrently with any paid leaves.

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Along with other unpaid extended leaves of absence, sick leave benefits shall not continue to accumulate during FMLA leave.

Arrangements will need to be made by the employee to pay their share of insurance premiums and Flexible Spending accounts where applicable.

For further information and regulations concerning FMLA you may contact the Human Resource Department.

8.07 Worker's Compensation

Personnel injured on the job shall be eligible for leave with pay for up to seven (7) days (56 hours). These days shall not be charged against the employee's sick leave. Employees injured on the job will be eligible for workman's compensation on the eighth (8) day of injury leave upon certification of a physician that the employee is not able to fulfill his/her job duties.

Personnel may return to a position with the City, although it may be a different one from the one they left, when a physician certifies that the employee is able to fulfill their job duties and return to work.

No more than six (6) months may be authorized for injury leave without the approval of the City Council upon recommendation of the City Manager.

8.08 Leave Without Pay

The City Manager, upon recommendation of the Department Director, may grant leaves of absence, without pay, to employees who have achieved regular status. The maximum length of any leave of absence shall be six (6) months. The six month period does not include approved leave taken under FMLA.

If an employee remains on leave of absence in excess of six (6) months, that employee will be terminated, regardless of the reason for their absence.

Personnel granted leaves of absence may return to a position with the City, although it may be a different one from the one they left. When applicable, certification may be required.

8.09 Bereavement Leave

Personnel, who have probationary or regular status, may be granted up to 40 hours leave with pay, by their Department Director for cases of death of a member of an employee's immediate family. Immediate family is defined as the employee's spouse, children, parents, spouse's parents, brother, sister, grandparents or grandchildren.

CITY OF FREEPORT – PERSONNEL POLICY HANDBOOK

8.10 Judicial Leave

Personnel, with probationary or regular status, who are summoned to serve on a jury or who are under subpoena are expected to serve or appear when called. Such absences shall be authorized, without loss of pay, provided that satisfactory evidence of such service or appearance is presented to the Department Director.

If an employee is excused from jury duty prior to end of shift, he/she will be expected to return to work or receive permission from his/her supervisor for authorized absence.

8.11 Military Leave

Employees, with probationary or regular status, who are members of the National Guard, or any reserve component of the armed forces of the United States, shall be entitled to leave with pay when ordered by proper authorities to be engaged in field training, encampment, or ordered to regular duty. Such leave shall be authorized for up to fifteen (15) days, to be computed as eight (8) hour days, during a calendar year.

Employees taking military leave of absence in excess of fifteen (15) days may elect to use some or all of their vacation to supplement their military pay. Employees must notify the human resource department of their request in writing.

CHAPTER NINE

EMPLOYEE WAGE AND BENEFITS

9.01 Texas Municipal Retirement System

All employees with probationary or regular status will be enrolled as a member of the Texas Municipal Retirement System. Members will deposit by payroll deduction, seven percent (7%) of their gross salary. The City will match such deposit in an amount to be determined by state law and City Council ordinance (Currently 2 for 1).

If an employee leaves the service of the City, they may withdraw the deposits they have made, plus interest earned on those deposits. The deposits made by the City cannot be withdrawn unless the employee is eligible for retirement.

Members may also be responsible for paying taxes on the amount withdrawn and should communicate with Texas Municipal Retirement System in regards to possible taxation of withdrawn deposits.

Employees will become vested in the system after five (5) years of employment. “Vesting” means that employees who terminate their employment with the City after five (5) years and do not withdraw their deposits, will be entitled to retirement benefits, based on deposits and interest earned, at sixty (60) years of age or 20 years of service.

Employees should contact Texas Municipal Retirement System for information on retirement benefits or when preparing for retirement.

9.02 Social Security

All employees will make deductions, by payroll, to the Social Security system. The City will match the employee's contribution as required by Federal law.

9.03 Group Health, Life, and AD&D

All employees with probationary or regular status are covered by a group health, life, and AD&D insurance program. The premiums for this program are paid by the City. Employees may also cover their dependents under the health insurance program by paying the premiums for their dependents.

See Human Resources, at City Hall, for additional information.

CITY OF FREEPORT – PERSONNEL POLICY HANDBOOK

9.04 Long-Term Disability

All employees with probationary or regular status are covered by a long-term disability insurance policy. This insurance policy provides for 60% of your monthly salary after 90 days of serious illness or injury, up to the age of 65. The premiums for this policy are paid by the City.

9.05 Workman's Compensation Insurance Program

All employees of the City of Freeport are covered by Workman's Compensation Insurance. Workman's Compensation Insurance covers employees if they are injured on the job. Any injury that occurs on the job or is job-related must be reported to the employee's supervisor immediately or as soon as a possible claim is noticed.

9.06 Uniforms

At the will of the City, and if financially feasible, the City will furnish uniforms or provide allowances for employees who must wear uniforms in the performance of their duties.

9.07 Overtime/Compensatory Time

Employees fall into two categories, exempt and non-exempt as defined by the Fair Labor Standards Act.

As a condition of employment, employees may be requested and required to work beyond their scheduled hours without advance notice at anytime. Refusal to work beyond their regular schedule when requested is prohibited. If an employee's personal affairs require that they be relieved of the potential for unscheduled work on any given day, the employee must request relief from unscheduled work as soon as possible.

It is the policy of the City of Freeport to pay for time worked. All overtime will be paid monetarily or compensatory time off as defined by FLSA. Compensatory time is only allowed at the discretion of the City Manager. All overtime must be approved by Supervision before it is worked.

If an employee uses sick leave or bereavement leave during a pay period week/or pay schedule, overtime will not be paid where applicable until the sick/bereavement leave time during that week/or pay schedule is made up at the regular rate.

CITY OF FREEPORT – PERSONNEL POLICY HANDBOOK

9.08 Paydays and Hours of Work

The City of Freeport pays on a bi-weekly basis. Checks and direct deposit slips are currently issued to Department Directors on Fridays.

All Departments are subject to the Department of Labor regulations concerning hours of work. Directors and/or designated supervisors are responsible, at their sole discretion, for the scheduling of their department employees.

Exempt employees are not required to turn in a timesheet; however, the Payroll Department must be notified of any leaves taken. Non-exempt employees must turn in a timesheet.

9.09 Deductions from Pay

The City of Freeport may deduct money from an employee's pay for reasons that fall into the following categories:

- Court ordered disbursements.
- Taxes.
- Premiums for medical/dental plans.
- Contributions made to retirement or pension plans.
- Contributions made to cafeteria plans.
- Over payments of wages.
- The cost of personal long distance calls that an employee makes on the City's phone systems.
- The cost of unreturned uniforms.
- The cost of repairing or replacing any supplies, materials, equipment, money, or other property that an employee damages, loses, fails to return, or takes without appropriate authorization from the City of Freeport during their employment.
- If an employee takes paid vacation or sick leave in advance of the date he/she would normally be entitled to it and he/she separates from the City of Freeport before accruing time to cover such advance leave, the value of such leave taken in advance.

Deductions from Leave

All absences from work for full-time (regular) status employees will require leave and/or compensatory time benefits to be used for those absences.

The City of Freeport will make all efforts to notify the employee before such deductions are made.

CITY OF FREEPORT – PERSONNEL POLICY HANDBOOK

9.10 Longevity Pay

The City of Freeport provides longevity pay for all full-time employees in recognition of the value of long term service with the City. Eligibility for longevity pay commences after one year of service. The current rate is approximately \$48.00 per year for each year of service.

9.11 Education Pay

All regular status employees are eligible for 100% college tuition reimbursement for work related courses with the approval of their Department Director and the City Manager. The maximum tuition reimbursement is seven (7) hours per semester.

The City of Freeport will only reimburse courses that are completed with a passing grade. Reimbursement will be made after the course is completed.

9.12 Section 125 Flexible Spending Accounts

All employees with probationary or regular status are eligible to participate in the City's pre-tax dependant care expense accounts and pre-tax unreimbursed health care expense accounts. These accounts assist employees by providing pre-tax options for their dependant care and health care needs.

9.13 Supplemental Insurance

The City currently offers full-time employees the opportunity to participate in supplemental insurance policies. These policies are offered through a representative of the providing insurance and are at the expense of the employee.

9.14 Travel Reimbursement

The City of Freeport will pay a \$35.00 per diem expense for travel that exceeds one day. One-day excursions will require a receipt for costs incurred.

9.15 457 Deferred Compensation Plan

All employees with probationary or regular status are eligible to participate in the 457 Deferred Compensation Plan offered by the City of Freeport. This plan is an additional retirement savings options for the City of Freeport employees; however, no contributions will be made by the City. This retirement plan is offered to public service personnel only and is regulated by the Internal Revenue Service.

CHAPTER TEN

EMPLOYEE SAFETY

10.01 General Safety

The City of Freeport desires to provide a safe working environment for its employees. To accomplish this, the City will provide all reasonable safeguards to ensure safe working conditions. The City recognizes the need to follow good safety principles, and therefore, believes that no job is so important and no order is so urgent that we cannot take time to perform our work safely. The cooperation of all City employees in observing safety rules and procedures will provide safe working conditions and accident free performance, which will benefit both the employees and the citizens of Freeport.

10.02 Motor Vehicle Safety

All employees of the City must have a valid Texas Drivers License to operate a City owned vehicle, and where required, a commercial license abiding by all DOT regulations.

It is the vehicle operator's responsibility to operate his/her vehicle in a safe and courteous manner, and obey all traffic laws. City vehicles are constantly under observation of the citizens and must be operated in a safe manner.

Employees may be subject to reimbursement of cost incurred by the City due to an employee's excessive neglect or due to multiple accidents involving an employee.

Employees shall immediately report all vehicle accidents to their supervisor, and the supervisor shall notify the Freeport Police Department. The employee shall not leave the scene of an accident until an investigation has been made. Failing to report an accident will result in disciplinary action.

An incident report must be immediately sent to the City Manager and the Human Resource Department.

10.03 Job Injuries

An employee must immediately notify his/her supervisor of any on the job injury. Failure to notify the supervisor is grounds for disciplinary action. The supervisor shall notify the Department Director, who shall notify the City Manager and the Human Resource Department.

The supervisor or injured employee shall complete or have completed an Incident Report, and submit or have it submitted, to City Hall within two (2) days of the incident.

CITY OF FREEPORT – PERSONNEL POLICY HANDBOOK

10.04 Hazard Reporting

It shall be the responsibility of each employee to identify dangerous and hazardous conditions in and around their work area and report them to their supervisor, so that appropriate corrective action can be taken.

10.05 Incidents and Claims

Employees must immediately notify his/her supervisor of any incident or claim involving the City of Freeport. The supervisor shall notify the Department Director, whom shall notify the City Manager.

The supervisor shall complete or have completed an Incident Report, and submit or have it submitted, to City Hall within two (2) days of the incident.

CHAPTER ELEVEN

TERMINATION OF EMPLOYMENT

11.01 Resignation

To resign in good standing, an employee of the City must give 14 days notice to the department supervisor of his/her intention to resign. Employees who terminate their employment other than by discharge will receive their final paycheck on the next scheduled payday.

11.02 Termination

The Human Resource Department or Department Director will insure that all issued equipment owned by the City is returned, such as uniforms, City identification, keys, etc.

11.03 Reductions in Force

At any time, the abolition of any position or authorized reduction in force may be required at the discretion of the City Council.

11.04 Exit Interview

The Human Resource Department shall conduct an exit interview for all employees terminating employment with the City. The interview is for the purpose of completing the employee's file by listing the person's reason for leaving City employment and insure that all issued equipment owned by the City is returned. All final paychecks must be picked up at the Human Resource Department.

11.05 Final Pay

Upon termination the employee will be paid as follows:

Pay Type	Payout
Holidays	All occurred holidays for the budget year including the Floating Holiday **note – see holiday policy
Vacation	All will be paid **note – maximum carry over is 40 hours
Comp Time Earned	All will be paid
Sick Leave	Up to 80 hours will be paid after five years of service
Regular and Overtime Hours	All hours worked will be paid

CHAPTER TWELVE

MISCELLANEOUS

12.01 Financial Responsibility of Employees

Employees are expected to maintain a good credit standing and pay their obligations promptly, especially with respect to City taxes and utility charges. The City will not serve as a collection agency and failure to pay or make reasonable provisions for payment of obligations to such an extent that such failure is detrimental to City service, shall subject employees to disciplinary action.

12.02 Hurricanes/Disasters

See City of Freeport Hurricane Policy.

12.03 Department Policies

It is recognized that the various departments of the City may have, develop, and issue written policies for their specific departments. These individual department policies shall only be used to supplement and not to replace the City's Personnel Policy Handbook.

CHAPTER THIRTEEN

SEVERABILITY CLAUSE

In the event any section or provision of these personnel policies is found to be unconstitutional, void, or inoperative by the final judgment of a court of competent jurisdiction, such defective provision, if any, is hereby declared to be severable from the remaining sections and provisions of those policies, and such remaining sections or provisions shall remain in full force and effect.

Issued this _____ day of _____, 20_____.

Ron Bottoms, City Manager
City of Freeport

Approved by the City Council of the City of Freeport, Texas, this _____ day of _____, 20_____.

James A. Barnett, Jr., Mayor
City of Freeport

ATTEST:

Delia Munoz, City Secretary
City of Freeport

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**CITY OF FREEPORT
POLICY AND PROCEDURES
FOR A DRUG-FREE WORKPLACE
EFFECTIVE 10/01/02**

PURPOSE:

Employees are a valuable resource and for that reason, their health and safety is of paramount concern. The City of Freeport does not tolerate any drug or alcohol use, which imperils the health and well being of its employees or threatens its business and the community it serves. The use of illegal drugs and abuse of other controlled substances, on or off duty, is normally inconsistent with law-abiding behavior expected of all citizens. Employees who use illegal drugs or abuse other controlled substances or alcohol, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism resulting in the potential for increased cost, delay, and risk in business. In addition, drug and alcohol abuse inflicts a terrible toll on the nation's productive resources and the health and well being of American workers and their families.

The City of Freeport is therefore committed to maintaining a safe workplace free from the influence of alcohol and drugs. It is the policy of this City to prohibit the use, sale, distribution, dispensing, possession, and manufacture of all controlled substances in the workplace.

PROCEDURES:

DEFINITIONS:

UNDER THE INFLUENCE:

Employees who are considered unable to perform their work in a safe and productive manner, or whose physical or mental condition creates a risk to the safety or well being of the employee, other co-workers, the public, or City property, will be deemed to be under the influence.

PROCEDURES:

Employee's infractions of this policy are defined as misconduct. Any employee who is taking a drug or other medication, whether or not prescribed by a physician for a medical condition, which is known or advertised as possibly affecting or impairing judgment, coordination, or senses, or which may adversely affect the employee's ability to perform work in a safe manner or may prevent the employee from performing the essential functions of his or her position, is required to notify his or her supervisor prior to starting work. The supervisor is required to decide if the employee can remain at work or on the City's premises or what work restrictions or reasonable accommodations, if any, are deemed necessary.

ASSISTANCE IN OVERCOMING ALCOHOL OR DRUG ABUSE:

Early recognition and treatment of alcohol or drug abuse is important for successful rehabilitation, return to employment, and reduced personal, family, and social disruption. The City of Freeport encourages the earliest possible diagnosis and treatment of alcohol or drug abuse. The City supports sound treatment efforts. Whenever feasible, the City of Freeport will assist employees in overcoming drug or alcohol abuse. However, the decision to seek diagnosis and accept treatment for alcohol or drug abuse is the employee's responsibility. Employees with personal alcohol or drug abuse problems should request assistance from management. Management is to refer the employee, on a confidential basis, to any agency able to provide appropriate treatment and counseling or the City's Health Insurance provider. Management is also required to report the employee's status to the City Manger and the Human Resource Department.

IMPORTANT: IF AN EMPLOYEE HAS AN ALCOHOL OR DRUG ABUSE PROBLEM, THE EMPLOYEE MUST NOTIFY MANAGEMENT AND SEEK TREATMENT BEFORE THEY ARE SELECTED FOR MANDATORY DRUG TESTING. IF THIS PROCEDURE IS NOT FOLLOWED, THE EMPLOYEE WILL BE TERMINATED.

PROHIBITIONS:

The City of Freeport prohibits the following:

1. Use, possession, manufacture, distribution, dispensation, or sale of illegal drugs, controlled substances whose use is unauthorized, or alcohol on City property, in City vehicles, or during working hours.
2. Storing in desks, automobiles, or other property on the City's premises any illegal drug, any controlled substance whose use is unauthorized, or any alcohol.
3. Being under the influence of a controlled substance whose use is unauthorized or illegal drug or alcohol on the City's premises, in the City's vehicles, or during working hours.
4. Use of alcohol off the City's premises that adversely affects the employee's work performance and his or her own or other's safety at work.
5. Possession, use, manufacture, distribution, dispensation, or sale of illegal drugs off the City's premises that adversely affects the individuals work performance and his or her or others' safety at work.
6. Refusing to submit to a search when requested by a manager during working hours.
7. Failing to adhere to the requirements of any drug or alcohol treatment or counseling program in which the employee is enrolled.

8. Conviction under any criminal drug statute for violation occurring in the workplace.
9. Failure to notify the City of any arrest or conviction under any criminal drug statute for a violation within five days of the arrest or conviction.
10. Failure to report to management the use of any prescribed drug which may alter the employees ability to safely perform his or her duties.

SEARCHES:

If the City of Freeport suspects that any employee performance or on-the-job behavior may have been affected in any way by alcohol or drugs. The City of Freeport's representatives may search the employee's work area, including desks and storage areas, or any City property under the control of the employee as well as the employees personal effects or automobile on City property.

If the City of Freeport suspects the employee possess alcohol or drugs on City premises, City representatives may search the employee's work area, including desks and storage areas, or any City property under the control of the employee, as well as the employee's personal effects or automobile on City property.

CONSEQUENCES FOR VIOLATION:

The City of Freeport has a zero tolerance drug and alcohol policy. Violation of this policy will result in termination. The City may, in its sole discretion, refer the employee to treatment and counseling program; however, the employee must notify management and seek treatment before he or she is required to submit to a mandatory test. *An employee will be terminated if the employee does not notify management of an existing problem before he or she is tested and the results of the test are positive.* Employee's referred to a treatment program by the City must immediately cease any alcohol or drug abuse, and are required to comply with all conditions the treatment and counseling program.

Any employee referred to such a program will not be permitted to return to work until certification is presented to the City Manager and the Human Resource Department and the employee is capable of performing his or her job. Failure to cooperate with the agreed upon treatment plan will result in termination. The City Manager will determine whether any employee the City has referred for drug or alcohol treatment and counseling shall be temporarily or permanently reassigned to another position. Management is required to consult with the City Manager and notify the Human Resource Department.

**CITY OF FREEPORT
MANDATORY DRUG TESTING PROGRAM
EFFECTIVE 10/01/02**

The City of Freeport will require a drug test for the following reasons:

1. Reasonable suspicion or probable cause: To confirm reasonable suspicion or find probable cause that an employee is consuming drugs and/or alcohol or is dealing in drugs.
2. Preemployment: To screen all job applicants or newly hired employees.
3. Postaccident: To test immediately after an accident that has caused injury or property damage.
4. Return-to-duty: To ensure the absence of drugs following an employee's return to work from rehabilitation.
6. Random: To deter drug and alcohol use through unannounced drug and alcohol testing.

For all testing, except pre-employment, the employee will be required to report to the testing agency within four hours of notification or immediately following an incident. If an employee fails to report within the appropriate time period, the employee will be subject to termination.

ALL EMPLOYEES ARE SUBJECT TO RANDOM DRUG TESTING

BEGINNING OCTOBER 01, 2002.

**CITY OF FREEPORT
MANDATORY DRUG TESTING PROGRAM
& DRUG-FREE WORKPLACE POLICY**

I, _____, have read, understand, and will comply with the City of Freeport's Policy and Procedures for a Drug-Free Workplace and the City of Freeport's Mandatory Drug Testing Program. I further understand that these policies, along with the Random Drug Testing Program, will become effective October 01, 2002.

Signature

Date

Atten: Human Resource Department